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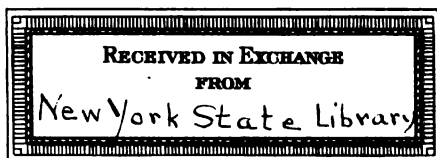
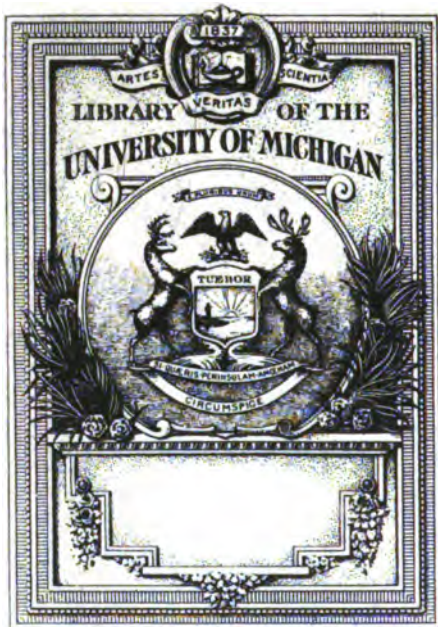
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# DOCUMENTS

PRINTED BY ORDER OF

## THE SENATE

OF THE

**Commonwealth of Massachusetts,**

DURING THE SESSION OF THE

GENERAL COURT,

**A. D. 1846.**

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**Boston:**

**DUTTON AND WENTWORTH, STATE PRINTERS,**

**No. 37, Congress Street.**

**1846.**

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**RULES AND ORDERS**  
**TO BE OBSERVED IN**  
**THE SENATE**  
**OF THE**  
**Commonwealth of Massachusetts,**  
**FOR THE YEAR 1846.**

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**PUBLISHED BY ORDER OF THE SENATE.**

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| <b>18.</b> | Josiah B. Woods,    |
| <b>19.</b> | Dennis Condry.      |

## RULES AND ORDERS.

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### *Of the Duties and Power of the President.*

1. The President shall take the chair every day at the hour to which the Senate shall have adjourned, shall call the members to order, and, on the appearance of a quorum, shall cause the journal of the preceding day to be read.

2. He shall preserve order and decorum, may speak to points of order in preference to other members, and shall decide all questions of order subject to an appeal. He shall rise to put a question or to address the Senate, but may read sitting.

3. He shall declare all votes; but, if any member rises to doubt a vote, the President shall order a return of the number voting in the affirmative and in the negative, without any further debate.

4. When any member shall require a question to be determined by yeas and nays, the President shall take the sense of the board in that manner, provided one fourth part of the members present are in favor of it.

5. When a question is under debate, the President shall receive no motion but to *adjourn*, to *lay on the table*, to *postpone to a day certain*, to *commit*, to *amend*, or to *postpone indefinitely*, which several motions shall have precedence in the order in which they stand arranged; and a motion to adjourn shall be decided without debate.

6. When two or more members happen to rise at once, the President shall name the member who is to speak first.

7. The President shall have the right to name a member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

8. In case the President shall be absent at the hour to which the Senate was adjourned, the senior member present shall call the board to order, and shall preside until the President shall resume his seat; provided, that such substitution shall not extend beyond an adjournment.

---

*Decorum and Debate.*

9. Every member, when he speaks, shall stand in his place, and address the President, and when he has done speaking, shall sit down.

10. No member shall speak more than once on one question, to the prevention of any other who has not spoken, and is desirous to speak, nor more than twice without obtaining leave of the board.

11. No member speaking shall be interrupted by another but by rising up to call to order.

12. After a question is put to a vote, no member shall speak to it.

13. Every member presenting a petition, memorial, or remonstrance, shall endorse his name thereon, and in the filing thereof, state briefly the nature and object of the instrument, and shall also give, in his

place, a brief summary thereof, and the reading of the same shall be dispensed with, unless specially ordered by the board.

14. Every motion shall be received and considered, and shall be reduced to writing if the President direct it; and no member shall be permitted to lay a motion in writing on the table, until he has read the same in his place.

15. When a vote has passed, it shall be in order for any member to move for a reconsideration thereof, on the same or the succeeding day; and notice given, by any member, on the day when the vote is passed, of an intention to move a reconsideration on the next day, shall preclude a motion for present reconsideration; but no motion for reconsideration shall be received when the paper on which the vote was taken shall have gone out of the possession of the Senate; and when a motion for reconsideration is decided, that decision shall not be reconsidered.

16. A question containing two or more propositions capable of division, shall be divided whenever desired by any member. A motion to strike out and insert shall be deemed indivisible. But a motion to strike out, being lost, shall neither preclude amendment nor a motion to strike out and insert.

17. The unfinished business in which the Senate was engaged at the time of the last adjournment, shall have the preference in the orders of the day.

18. No member shall absent himself from the Senate without leave, unless there be a quorum left present at the Board.

*Of Committees.*

7

19. No rule or order shall be altered, dispensed with, or rescinded, unless two thirds of the members present shall consent thereto.

20. Whenever a question shall be taken by yeas and nays, the clerk shall call the name of each member, and every member present shall vote thereon unless excused; and no member shall be permitted, under any circumstances, to vote after the decision is announced from the chair.

---

*Of Committees.*

21. The following Standing Committees shall be appointed at the commencement of the first session, to wit:—

A Committee on the Judiciary;

A Committee on Matters in Probate and Chancery;

And each of these Committees shall consist of Three Members.

A Committee on Bills in the third reading;

A Committee on Engrossed Bills;

And each of these Committees shall consist of Six Members.

22. All Committees shall be appointed by the President, unless otherwise specially directed by the Senate, and the person first named shall be chairman. In all elections of Committees by ballot, the person having the highest number of votes shall act as chairman.

23. When a motion is made to commit any subject, and different Committees shall be proposed, the question shall be taken in the following order: A Standing Committee of the Senate—a Select



Committee of the Senate—a Joint Standing Committee—a Joint Select Committee.

24. Reports of Committees, except such as do not propose final action, shall, unless otherwise specially ordered, be made the order of the day next succeeding that on which they shall be presented to the Senate.

25. No Committee; other than a Joint Committee or a Special Committee of this Board, shall be allowed to occupy the Senate Chamber without leave of the Board.

---

*Of Bills and Resolves.*

26. No bill or resolve shall be introduced by a member without special leave, and all bills and resolves, when so introduced, shall be committed before they are passed to a second reading.

27. All bills and resolves from the House of Representatives, after they are read a first time, shall be committed to a committee of this Board, except when said bills or resolves shall have been reported by a joint committee.

28. No bill shall pass to be engrossed without three readings; and no resolve shall pass to be engrossed without two readings; and bills in the second and third readings, and resolves in the second reading, shall be made the order of the day for the day next succeeding that on which leave shall have been given to read them a second or third time, and the president shall order them accordingly; and after entering upon the orders of the day, they shall be dis-

posed of in course; and matters passed over in the orders of the day shall go to the foot of the list, and shall not be considered till the next day.

29. All bills in the third reading and resolves in the second reading, shall be committed to the committee on bills in the third reading, whose duty it shall be to compare their relations with the constitution, and any existing laws relating to the same subject matter, and to see that all such bills and resolves are in the technical form.

30. All engrossed bills and resolves shall be committed to the standing committee on engrossed bills, whose duty it shall be strictly to examine the same, and if found by them to be rightly and truly engrossed, they shall so endorse on the envelope thereof, and the final question shall be taken thereon without any further reading, unless, on motion of any member, a majority of the Senate shall be in favor of reading the same as engrossed.

31. No engrossed bill or resolve shall be amended.

32. When any measure shall be finally rejected, it shall not be revived except by reconsideration, and no measure *substantially* the same shall be introduced during the session; and this rule shall apply as well to measures originating in the House as to those originating in the Senate.

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*Elections by Ballot.*

33. In all elections by ballot, a time shall be assigned for such election, at least one day previous thereto.

*Senate Library.*

34. The books belonging to the Senate Chamber, shall be in the care of the Clerk, who shall keep an accurate list thereof; and no book shall be taken from the Senate Chamber by any person without giving notice thereof to the Clerk, who shall enter in a book to be kept by him, the name of the book, and the name of the person taking the same.

## **JOINT RULES AND ORDERS OF THE TWO HOUSES.**

### **I.**

**The following Joint Standing Committees shall be appointed at the commencement of the January session, viz :—**

- A Committee on Accounts ;**
- A Committee on Agriculture ;**
- A Committee on Banks and Banking ;**
- A Committee on Claims ;**
- A Committee on Education ;**
- A Committee on the Fisheries ;**
- A Committee on the Library ;**
- A Committee on Manufactures ;**
- A Committee on Mercantile Affairs & Insurance ;**
- A Committee on the Militia ;**
- A Committee on Parishes and other Religious Societies ;**
- A Committee on Prisons ;**
- A Committee on Public Charitable Institutions ;**
- A Committee on Public Lands ;**
- A Committee on Railways and Canals ;**
- A Committee on Roads and Bridges ; and**
- A Committee on Towns ;**

**And each of said Committees shall consist of two on the part of the Senate, and five on the part of the House, except the Committee on the Library, which, by law, is to consist of three on the part of each House, and no Member of any Committee shall receive compensation for personal services on such Committee, during the Session of the Legislature. No member of either House shall act as counsel for any party before any Committee of the Legislature.**

## **12 *Joint Rules and Orders of Both Houses.***

### **II.**

The Joint Committees of the two Houses may report by bill, resolve, or otherwise, to either House, at their discretion; and all bills and resolves reported by them, shall be written in a fair round hand, without interlineation, on not less than a sheet of paper, with suitable margins, and spaces between the several sections or resolves.

### **III.**

All papers, while on their passage between the two Houses, may be under the signature of the respective Clerks, except Bills and Resolves, in their last stage.

### **IV.**

After Bills shall have passed both Houses to be engrossed, they shall be in the charge of the Clerks of the two Houses, who shall deliver the same to the Secretary of the Commonwealth, to be engrossed in the manner prescribed by law; and when engrossed, the said Clerks shall forthwith deliver the same to the Committee of the House of Representatives on Engrossed Bills; and when the same shall have passed to be enacted in that House, they shall, in like manner, be delivered to the Committee of the Senate on Engrossed Bills.

### **V.**

After Bills shall have passed both Houses to be enacted, the Clerk of the Senate shall cause them to be laid before the Governor for his approbation, an indorsement being first made thereon, by the Clerk of the House, in which the same originated, certifying in which House the same originated, which indorsement shall be entered on the Journals by the Clerks respectively, and the Clerk of the Senate shall enter on the Journal of the Senate the day on which the same were laid before the Governor.

**VI.**

All resolves and other papers, which are to be presented to the Governor of the Commonwealth, shall be presented for his approbation, in the same manner as is prescribed in the case of Bills.

**VII.**

All resolves proposing amendments of the Constitution, shall have three several readings in each House, and the question upon the third reading shall be taken by yeas and nays, as provided by the Constitution.

**VIII.**

The President of the Senate shall preside in conventions of the two branches; and such conventions shall be holden in the Representatives' chamber.

**IX.**

When an agreement has been made by the two branches to go into convention, such agreement shall not be altered or annulled, except by concurrent vote.

**X.**

No business shall be entered on, in convention, except by unanimous consent, other than that which may be agreed on before the convention is formed.

**XI.**

In all elections by joint ballot, a time shall be assigned therefor at least one day previous to such election.

**CIVIL GOVERNMENT**  
**OF THE**  
**Commonwealth of Massachusetts.**  
**FOR THE POLITICAL YEAR 1896.**

**HIS EXCELLENCY**  
**GEORGE N. BRIGGS,**  
*Of Pittsfield,*  
**GOVERNOR.**

**HIS HONOR,**  
**JOHN REED,**  
*Of Yarmouth,*  
**LIEUTENANT GOVERNOR.**

**COUNCIL.**  
**CHARLES MARSTON,** *of Barnstable.*  
**SAMUEL HOAR,** *of Concord.*  
**EBENEZER BRADBURY,** *of Newburyport.*  
**EDWARD DICKINSON,** *of Amherst.*  
**JOHN P. BIGELOW,** *of Boston.*  
**CHARLES RUSSELL,** *of Princeton.*  
**JAS C. STARKWEATHER,** *of Pawtucket.*  
**DANIEL N. DEWEY,** *of Williamstown.*  
**EDMUND P. TILESTON,** *of Dorchester.*

**JOHN G. PALFREY,**  
**OF CAMBRIDGE,**  
*Secretary of the Commonwealth.*

**JOSEPH BARRETT,**  
**OF CONCORD,**  
*Treasurer & Receiver General of the Commonwealth.*

## ***Senate.***

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**WILLIAM B. CALHOUN,**

**PRESIDENT.**

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### **SUFFOLK DISTRICT.**

John C. Gray,	} <i>of Boston.</i>
Daniel Safford,	
Thomas G. Cary,	
James F. Baldwin,	
Francis O. Watts,	

### **ESSEX DISTRICT.**

Edmund Kimball, Jr.,	<i>of Wenham.</i>
George Wheatland,	<i>of Salem.</i>
George Hedges,	<i>of Andover.</i>
Henry Poor,	<i>of Danvers.</i>
Dennis Condry,	<i>of Newbury.</i>

### **MIDDLESEX DISTRICT.**

James P. Whitney,	<i>of Shirley.</i>
Thomas Hopkinson,	<i>of Lowell.</i>
E. Rockwood Hear,	<i>of Concord.</i>
Eli Rice,	<i>of Marlboro'.</i>
Thos. Emerson,	<i>of South Reading.</i>
Alfred Allen,	<i>of Somerville.</i>



**WORCESTER DISTRICT.**

Joseph Stone,	<i>of Hardwick.</i>
John G. Thurston,	<i>of Lancaster.</i>
Stephen Salisbury,	<i>of Worcester.</i>
Calvin Willard,	<i>of Millbury.</i>
Jason Goulding,	<i>of Philipston.</i>

**HAMPSHIRE DISTRICT.**

Chauncey B. Rising.	<i>of Worthington.</i>
Josiah B. Woods,	<i>of Enfield.</i>

**FRANKLIN DISTRICT.**

Zebina Field,	<i>of Leverett.</i>
Joseph Avery,	<i>of Conway.</i>

**HAMPDEN DISTRICT.**

William B. Calhoun,	<i>of Springfield.</i>
Forbes Kyle,	<i>of Chester.</i>

**BERKSHIRE DISTRICT.**

Thomas A. Bowen,	<i>of Adams.</i>
Samuel A. Hurlburt,	<i>of Lee.</i>

**NORFOLK DISTRICT.**

Samuel Guild,	<i>of Roxbury.</i>
James Maguire,	<i>of Randolph.</i>
Oliver Felt,	<i>of Wrentham.</i>

**PLYMOUTH DISTRICT.**

Thomas P. Beal,	<i>of Kingston.</i>
Welcome Young,	<i>of East Bridgewater.</i>

**BRISTOL DISTRICT.**

Nathaniel B. Borden,	<i>of Fall River.</i>
Silas Shepard,	<i>of Taunton.</i>
Thos. D. Eliot,	<i>of New Bedford.</i>

**BARNSTABLE DISTRICT.**

Zeno Scudder,	<i>of Barnstable.</i>
Barnabas Freeman,	<i>of Eastham.</i>

**NANTUCKET AND DUKES CO. DISTRICT.**

Barker Burnell,	<i>of Nantucket.</i>
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**CHARLES CALHOUN, Clerk.**  
**W. P. GREGG, Assistant Clerk.**  
**REV. AMOS SMITH, Chaplain.**  
**MILTON HALL, Doorkeeper.**  
**TILSON FULLER, Page.**

## **House of Representatives.**

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**SAMUEL H. WALLEY, JR.,**  
**SPEAKER.**

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**CHARLES W. STOREY, Clerk.**

**WILLIAM JENKS, } Chaplains.**  
**S. D. ROBBINS, }**

**BENJAMIN STEVENS, Sergeant-at-Arms of the  
General Court.**

**ALEXIS POOLE, Doorkeeper.**

**DAVID MURPHY, Messenger.**

**E. W. PALMER, Assistant Messenger.**

**TIMOTHY HAYES, Page.**

**STANDING COMMITTEES OF THE  
SENATE,**

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**ON THE JUDICIARY.**

**Messrs. Beal, Watts and Eliot.**

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**ON MATTERS IN PROBATE AND CHANCERY.**

**Messrs. Gray, Wheatland and Scudder.**

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**ON BILLS IN THE THIRD READING.**

**Messrs. Rising, Hopkinson, Scudder, Watts, Young  
and Hoar.**

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**ON ENGROSSED BILLS.**

**Messrs. Thurston, Hurlburt, Poor, Maguire, Emer-  
son and Woods.**

## JOINT STANDING COMMITTEES.

### ON ACCOUNTS.

Messrs. Safford and Burnell,	} <i>of the Senate.</i>
Messrs. Kempton, of New Bedford, Palfrey, of Boston, Allen, of Northfield, Gleason, of Wayland, Bullard, of Walpole,	
	} <i>of the House.</i>

### ON EDUCATION.

Messrs. Gray and Hoar,	} <i>of the Senate.</i>
Messrs. Chandler, of Boston, Hopkins, of Northampton, Brown, of Hatfield, Greene, of Cambridge, Williams, of Norton,	
	} <i>of the House.</i>

### ON BANKS AND BANKING.

Messrs. Salisbury and Guild,	} <i>of the Senate.</i>
Messrs. Wilder, of Leominster, Shaw, of Boston, Hooker, of Sturbridge, Jones, of Roxbury, Linn, of Lanesboro',	
	} <i>of the House.</i>

### ON CLAIMS.

Messrs. Whitney and Shepard,	} <i>of the Senate.</i>
Messrs. Wales, of Boston, Crawford, of Oakham, Bispham, of Dorchester, Magoun, of Pembroke, Croswell, of Falmouth,	
	} <i>of the House.</i>

ON AGRICULTURE.

Messrs. Avery and Rice,	} <i>of the Senate.</i>
Messrs. Porter, of Buckland, Warriner, of Springfield, Marvell, of Swanzey, Rice, of Worcester, Bishop, of Russell,	
	} <i>of the House.</i>

ON FISHERIES.

Messrs. Young and Freeman,	} <i>of the Senate.</i>
Messrs. Doane, of Cohasset, Payne, of Welfleet, Hinckley, of Chatham, Kenrick, of Orleans, Smith, of Marblehead,	
	} <i>of the House.</i>

ON THE LIBRARY.

Messrs. Kimball, Cary and Emerson,	} <i>of the Senate.</i>
Messrs. Ladd, of Cambridge, Bryant, of Barre, Giles, of Boston,	
	} <i>of the House.</i>

ON MANUFACTURES.

Messrs. Borden and Woods,	} <i>of the Senate.</i>
Messrs. Shepard, of Framingham, Kuhn, of Boston, Billings, of Roxbury, Richardson, of Medway, Butterfield, of Lowell,	
	} <i>of the House.</i>

**MERCANTILE AFFAIRS AND INSURANCE.**

Messrs. Cary and Condry,	} <i>of the Senate.</i>
Messrs. Howland, of New Bedford,	
Seaver, of Boston,	} <i>of the House.</i>
Thorndike, of Beverly,	
Davis, of Westport,	
Silsbee, of Salem,	

**ON THE MILITIA.**

Messrs. Willard and Hodges,	} <i>of the Senate.</i>
Messrs. French, of N. Bridgewater,	
Green, of Boston,	} <i>of the House.</i>
Hayward, of Mendon,	
Kimball, of Salem,	
Burt, of Longmeadow,	

**ON PARISHES AND RELIGIOUS SOCIETIES.**

Messrs. Wheatland and Kyle,	} <i>of the Senate.</i>
Messrs. Richardson, of Boston,	
Bates, of Ashby,	} <i>of the House.</i>
Sawyer, of Salisbury,	
Burnett, of Cheshire,	
Kimball, of Needham,	

**ON PRISONS.**

Messrs. Willard and Bowen,	} <i>of the Senate.</i>
Messrs. Bullock, of Pawtucket,	
Fowler, of Danvers,	} <i>of the House.</i>
Plympton, of Boston,	
Eddy, of Warwick,	
Deane, of Charlestown,	

ON PUBLIC CHARITABLE INSTITUTIONS.

Messrs. Stone and Felt,	} <i>of the Senate.</i>
Messrs. Earle, of Worcester, Gridley, of Amherst, Whitney, of Ludlow, Cook, of Boston, Smith, of Enfield,	
	} <i>of the House.</i>

ON PUBLIC LANDS.

Messrs. Kimball and Allen,	} <i>of the Senate</i>
Messrs. Greene, of New Bedford, Robins, of Boston, Pierce, of Stoneham, Gardner, of Wales, Daniels, of Worthington,	
	} <i>of the House.</i>

ON RAILWAYS AND CANALS.

Messrs. Hopkinson and Baldwin,	} <i>of the Senate.</i>
Messrs. Page, of New Bedford, J. C. Perkins, of Salem, Bryant, of Barre, Crowninshield, of Boston, Lawrence, of Peppereh,	
	} <i>of the House.</i>

ON ROADS AND BRIDGES.

Messrs. Rising and Goulding,	} <i>of the Senate.</i>
Messrs. Taylor, of Granby, Kirby, of Dartmouth, Newcomb, of Randolph, Coburn, of Dracut, Taft, of Uxbridge,	
	} <i>of the House.</i>

## ON TOWNS.

Messrs. Thurston and Field,	} <i>of the Senate.</i>
Messrs. Ellis, of Wareham,	
Morgan, of Boston,	} <i>of the House.</i>
Marble, of Charlton,	
Day, of Dedham,	
Sargent, of Leicester,	

**STANDING COMMITTEES**  
OF THE  
**HOUSE OF REPRESENTATIVES.**

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**ON THE JUDICIARY.**

**Messrs.** Bell, *of Boston*, Byington, *of Stockbridge*,  
Hartwell, *of Montague*, Giles, *of Boston*, Morris,  
*of Springfield*, Nims, *of Greenfield*, Saunders,  
*of Grafton*.

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**ON MATTERS OF PROBATE AND CHANCERY.**

**Messrs.** Barton, *of Worcester*, Washburn, *of Boston*,  
Stevens, *of Andover*, Bragg, *of Milford*,  
Holmes, *of Fall River*, Whitney, *of Stow*, Blanchard,  
*of Lowell*.

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**ON FINANCE.**

**Messrs.** Sturgis, *of Boston*, Wilson, *of Natick*,  
Drake, *of Easton*, Howe, *of Brookfield*, Staples,  
*of New Bedford*, Dwight, *of Springfield*, Lewis,  
*of Barnstable*.

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**ON ELECTIONS.**

**Messrs.** Tolman, *of Boston*, Ladd, *of Cambridge*,  
Mayo, *of Orange*, Baker, *of Beverly*, Rider, *of Dartmouth*,  
Morton, *of Hadley*, Burrows, *of Bernardston*.

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**ON BILLS IN THE THIRD READING.**

**Messrs.** Bayley, *of Boston*, Beal, *of Kingston*,  
Wetherbee, *of Acton*, Dearborn, *of Methuen*,  
Sanderson, *of Phillipston*, Allen, *of Palmer*,  
Day, *of Templeton*.

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**ON ENGROSSED BILLS.**

**Messrs.** Sargent, *of Cambridge*, Dikeman, *of Northampton*,  
Jenkins, *of Yarmouth*, Stevens, *of Rehoboth*,  
Loring, *of Great Barrington*, Willis, *of Boston*,  
Bradley, *of Blandford*.



## ON COUNTY ESTIMATES.

Messrs. Everett, of *Foxboro'*, Houghton, of *Sterling*, Bartlett, of *Boston*, Burrill, of *Sheffield*, Stacy, of *Concord*.

## ON THE PAY ROLL.

Messrs. Norton, of *Chelsea*, Denton, of *Boston*, Reed, of *Abington*, Knight, of *Marblehead*, Davis, of *Truro*.

## ON CHANGE OF NAMES.

Messrs. Baker, of *Dennis*, Leonard, of *Marshfield*, Osborn, of *Boston*, Fox, of *Westfield*, Skiff, of *Tisbury*.

## ON LEAVE OF ABSENCE.

Messrs. Crane, of *Boston*, Wadsworth, of *Duxbury*, Hagar, of *Newton*, Harris, of *Nantucket*, Lane, of *Lunenburg*.

## ON PUBLIC BUILDINGS.

Messrs. Rand, of *Winchendon*, Tremere, of *Boston*, Winslow, of *Middleboro'*, Hall, of *Dorchester*, McKuhn, of *Springfield*.

## ON PRINTING.

Messrs. Huntress, of *Lowell*, Wells, of *Boston*, Bearse, of *Barnstable*, Legg, of *Upton*, Benson, of *Sandwich*.

*Assignment of Committee Rooms.*      41

**MONITORS OF THE HOUSE.**

**FIRST DIVISION.**—Messrs. LEGG, of Upton, and COWEE, of Warren.

**SECOND DIVISION.**—Messrs. FRENCH, of North Bridgewater, and BEARSE, of Barnstable.

**THIRD DIVISION.**—Messrs. LARNED, of Brighton, and HAYWARD, of Mendon.

**FOURTH DIVISION.**—Messrs. NORTON, of Chelsea, and WILLIAMS, of Norton.

**FIFTH DIVISION.**—Messrs. TAYLOR, of Granby, and LAWRENCE, of Pepperell.

**SIXTH DIVISION.**—Messrs. KENRICK, of Orleans, and BRAGG, of Milford.

**ASSIGNMENT OF COMMITTEE ROOMS.**

**EAST WING.**

Committee on Towns,	- -	Lobby, No. 7
" on Roads and Bridges,	- -	" 7
" on Prisons,	- -	" 7
" on Rail-roads,	- -	- 9, 10
" on Library,	- -	Land Office.

**WEST WING.**

Committee on Agriculture,	- -	No. 11
" on Accounts,	- -	" 11
" on Printing,	- -	" 11
" on Banks and Banking,	- -	" 12
" on Claims and County Estimates,	- -	" 12
" on Probate and Chancery,	- -	" 13
" on Fisheries,	- -	" 13
" on Parishes and Religious Societies,	- -	" 13
" on Judiciary,	- -	" 14
" on Education,	- -	" 15
" on Finance,	- -	" 15

Committee on the Pay Roll,	}	Office of Clerk
" on leave of Absence,		of Ho. of Reps.,
" on Elections,	}	on the west entry
" on Militia,		of the Rep. Hall.
		Green Room.
		Adjutant General's Office.

#### **GALLERIES AND LOBBY.**

The West Inner Gallery of the Representatives' Chamber, will be reserved for the use of those members, who may have occasion to write in the House, and will be constantly supplied with Stationery for that purpose.

The East Inner Gallery of the Representatives' Chamber will be reserved for the use of visitors introduced by members.

The Outer Galleries of the House only, are for the accommodation of the public.

Lobby No. 10, (East wing) is reserved for members to deposit their cloaks, overcoats, &c. A messenger will be constantly in attendance for their security.

☞ Members are particularly requested to use the numbers corresponding with their seats.

**CIVIL GOVERNMENT**  
**OF THE**  
**Commonwealth of Massachusetts,**  
**WITH PLACES OF RESIDENCE.**  
**1846.**

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**HIS EXCELLENCY GEORGE N. BRIGGS, GOVERNOR,**  
Marlboro' Hotel.

—

**HIS HONOR JOHN REED, LIEUTENANT GOVERNOR,**  
United States Hotel.

—

**COUNCIL.**

<b>CHARLES MARSTON,</b>	Bromfield House.
<b>SAMUEL HOAR,</b>	American House.
<b>EBENEZER BRADBURY,</b>	Marlboro' Hotel.
<b>EDWARD DICKINSON,</b>	United States Hotel.
<b>JOHN P. BIGELOW,</b>	No. 1 Oak Place.
<b>CHARLES RUSSELL,</b>	69 Temple street.
<b>JAS. C. STARKWEATHER,</b>	Pearl Street House.
<b>DANIEL N. DEWEY,</b>	Marlboro' Hotel.
<b>EDMUND P. TILESTON,</b>	At home.

—

**JOHN G. PALFREY, SECRETARY OF STATE, Cambridge.**

—

**JOSEPH BARRETT, TREASURER AND RECEIVER GENERAL.**

—

**CYRUS CHASE, MESSENGER TO GOVERNOR AND COUNCIL,**  
Corner of West Cedar and May streets.

# LIST OF MEMBERS

OF THE

**SENATE.**

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WILLIAM B. CALHOUN, PRESIDENT, U. S. Hotel.

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## SUFFOLK.

John C. Gray,	36 Summer street.
Daniel Safford,	3 Beacon street.
Thomas G. Cary,	10 Temple place.
James F. Baldwin,	163 Tremont street.
Francis O. Watts,	39 Bowdoin street.

## ESSEX.

Edmund Kimball, Jr.	Tremont House.
George Wheatland,	Tremont House.
George Hodges,	At home.
Henry Poor,	At home.
Dennis Condry,	American House.

## MIDDLESEX.

James P. Whitney,	American House.
Thomas Hopkinson,	
E. Rockwood Hoar,	American House.
Eli Rice,	Franklin House.
Thomas Emerson,	New England House.
Alfred Allen,	At home.

**WORCESTER.**

Joseph Stone,	Pearl Street House.
John G. Thurston,	American House.
Stephen Salisbury,	United States Hotel.
Calvin Willard,	United States Hotel.
Jason Goulding,	5 Central Court.

**HAMPSHIRE.**

Chauncey B. Rising,	Marlboro' Hotel.
Josiah B. Woods,	Marlboro' Hotel.

**FRANKLIN.**

Zebina Field,	74 Temple street.
Joseph Avery,	Marlboro' Hotel.

**HAMPDEN.**

William B. Calhoun,	United States Hotel.‡
Forbes Kyle,	Marlboro' Hotel.

**BERKSHIRE.**

Thomas A. Bowen,	American House.
Samuel A. Hurlburt,	American House.

**NORFOLK.**

Samuel Guild,	Roxbury.
James Maguire,	New England House.
Oliver Felt,	Pearl Street House.

**PLYMOUTH.**

Thomas P. Beal,	United States Hotel.
Welcome Young,	Pearl Street House.

**BRISTOL.**

Nathaniel B. Borden,	Marlboro' Hotel.
Silas Shepherd,	10 Beacon street.
Thomas D. Eliot,	Tremont House.

**BARNSTABLE.**

Zeno Scudder, 47 Mount Vernon street.  
Barnabas Freeman, 48 Hanover street.

**NANTUCKET.**

Barker Burnell, Marlboro' Hotel.

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**CHARLES CALHOUN, CLERK, 8 Williams street.**

**WASHINGTON P. GREGG, ASSISTANT CLERK, 1 Lyman Place.**

**REV. AMOS SMITH, CHAPLAIN, 96 Salem street.**

**MILTON HALL, DOORKEEPER, 5 Jefferson street.**

**TILSON FULLER, PAGE, 29 Garden street.**

# LIST OF MEMBERS

## OF THE

### HOUSE OF REPRESENTATIVES.

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SAMUEL H. WALLEY, JR., SPEAKER, 4 Beacon st.

---

#### County of Suffolk.

<i>Boston,</i>	Daniel Bartlett, Jr.	17 Charter st.
	Richard W. Bayley,	14 Avon pl.
	Joseph Bell,	54 Summer st.
	Ephraim Buck,	171 Hanover st.
	Peleg W. Chandler,	99 Mt. Vernon st.
	James Clark,	13 Ashland st.
	Charles E. Cook,	14 Columbia st.
	Larra Crane,	South Boston.
	F. B. Crowninshield,	3 Somerset st.
	William Denton,	22 Hancock st.
	Nathaniel Francis,	42 Pearl st.
	William Freeman,	6 Bulfinch st.
	Joel Giles,	4 Court st.
	John Green, Jr.,	659 Washington st.
	George H. Kuhn,	66 Beacon st.
	Elijah Mears,	Chapman pl.
	David Morgan,	East Boston.
	John P. Ober,	22 Charter st.
	John Osborn,	South Boston.
	George W. Otis,	28 Chamber st.
	William Palfrey,	Commercial st.
	Henry Plympton,	7 McLean st.



*Residence of Members.*

<i>Boston,</i>	Benj. P. Richardson,	60 High st.
	Richard Robins,	95 Mt. Vernon.
	Benjamin Seaver,	52 Chamber st.
	Charles B. Shaw,	23 Pemberton sq.
	William Sturgis,	52 Summer st.
	Thomas Tolman,	12 Crescent pl.
	John B. Tremere,	189 Hanover st.
	Charles Wade,	112 Pleasant st.
	Samuel Wales, Jr.,	28 Albany st.
	Wm. R. P. Washburn,	21 Court sq.
	Charles A. Wells,	4 Oak pl.
	William Willett,	9 Orange st.
	Royal B. Willis,	3 Distilhouse sq.
<i>Chelsea,</i>	Joshua Norton, Jr.,	24 Devonshire st.

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**County of Essex.**

<i>Andover,</i>	William Stevens,	38 Common st.
	Herman P. Chandler,	N. E. House.
<i>Beverly,</i>	Albert Thorndike,	At home.
	John I. Baker,	At home.
<i>Boxford,</i>	William Low,	31 Brattle st.
<i>Bradford,</i>	John G. Ingersoll,	At home.
<i>Danvers,</i>	Henry Fowler,	31 Brattle st.
	Richard Osborn,	31 Brattle st.
<i>Gloucester,</i>	Bartholomew Ring,	12 Howard st.
	Moses Gilbert,	12 Howard st.
	George Perkins,	463 Washington st.
<i>Haverhill,</i>	Daniel F. Fitts,	At home. [town.
	James Hale,	114 Main st. Charles-
<i>Marlborough,</i>	Jefferson Knight,	Franklin House.
	Francis A. Smith,	Franklin House.
<i>Mathuen,</i>	Josiah Dearborn,	At home.
<i>Middleton,</i>	Forrest Jeffers,	41 Poplar st.

### Residence of Members.

49

<i>Rosby,</i>	Daniel N. Prime,	N. E. House.
<i>Salem,</i>	Jonathan C. Perkins,	At home.
	James Kimball,	At home.
	Caleb Pierce,	At home.
	Aaron Perkins,	Wilde's, Elm st.
	Nathaniel Silsbee, Jr.,	At home.
	William D. Pickman,	At home.
<i>Salisbury,</i>	Benjamin Sawyer,	Hanover House.
<i>West Newbury,</i>	Otis Little,	31 Brattle st.

### County of Middlesex.

<i>Acton,</i>	Daniel Wetherbee, 2d,	Franklin House.
<i>Ashby,</i>	Reuben Bates,	Roxbury.
<i>Brighton,</i>	Henry H. Larnard,	At home.
<i>Cambridge,</i>	James D. Green,	At home.
	John Sargent,	At home.
	John S. Ladd,	At home.
<i>Charlestown,</i>	Christopher C. Dean,	13 Cornhill.
<i>Concord,</i>	John Stacy,	Wash. Coff. House.
<i>Dracut,</i>	Timothy V. Coburn,	Wash. Coff. House.
<i>Framingham,</i>	Calvin Shepard, Jr.,	Marlboro' Hotel.
<i>Groton,</i>	Wm. Livermore, Jr.,	74 Temple st.
<i>Lexington,</i>	Sullivan Burbank,	American House.
<i>Lincoln,</i>	Leonard Hoar,	Franklin House.
<i>Lowell,</i>	Gilman N. Nichols,	Wash. Coff. House.
	Leonard Huntress,	Wash. Coff. House.
	Sidney Spaulding,	Eastern Exchange.
	Benjamin Wilde,	Wash. Coff. House.
	C. W. Blanchard,	At home.
	George A. Butterfield,	Eastern Exchange.
<i>Malden,</i>	Samuel S. Upham,	At home.
<i>Natick,</i>	Henry Wilson,	Marlboro' Hotel.
<i>Newton,</i>	Isaac Hagar,	Wash. Coff. House.
<i>Papervell,</i>	Luther Lawrence,	11 Channing st.

<i>Sheirburne,</i>	Amos Clarke,	Pemberton House.
<i>Shirley,</i>	John K. Going, Jr.,	N. E. House.
<i>S. Reading,</i>	Robert H. Raddin,	At home.
<i>Stoneham,</i>	James Pierce,	At home.
<i>Stow,</i>	Edwin Whitney,	Franklin House.
<i>Sudbury,</i>	Abel B. Jones,	Franklin House.
<i>Wayland,</i>	Abel Gleason,	Franklin House.
<i>W. Cambridge,</i>	Joseph O. Wellington,	At home.
<i>Westford,</i>	Joseph Reed,	S. S. Stone.
<i>Woburn,</i>	John C. Brackett,	At home.

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### County of Worcester.

<i>Ashburnham,</i>	John C. Glazier,	148 Hanover st.
<i>Athol,</i>	Samuel Sweetser,	Marlboro' Hotel.
<i>Barre,</i>	Walter A. Bryant,	U. S. Hotel.
<i>Bolton,</i>	Joel Barnard,	Pemberton House.
<i>Brookfield,</i>	Francis Howe,	Geo. O. Hovey's.
<i>Charlton,</i>	William Marble,	Franklin House.
<i>Douglas,</i>	Samuel Amidon,	Bromfield House.
<i>Gardner,</i>	Smyrna W. Bancroft,	148 Hanover st.
<i>Grafton,</i>	Esek Saunders,	U. S. Hotel.
<i>Hubbardston,</i>	William Bennett, Jr.,	11 Elm st.
<i>Lancaster,</i>	Joel Wilder, 2d,	Colony House.
<i>Leicester,</i>	Joseph D. Sargent,	Marlboro' Hotel.
<i>Leominster,</i>	Charles W. Wilder,	Pearl Street House.
<i>Lunenburg,</i>	John Lane,	N. E. House.
<i>Mendon,</i>	Rufus Hayward,	Wash. Coff. House.
<i>Milford,</i>	Alfred Bragg,	Bromfield House.
<i>Northboro',</i>	Eben D. Blake,	Colony House.
<i>Oakham,</i>	William Crawford,	Wash. Coff. House.
<i>Oxford,</i>	David Barton,	Franklin House.
<i>Petersham,</i>	Elbridge G. Miles,	2 Garauz pl.
<i>Phillipston,</i>	Peter Sanderson,	Franklin House.
<i>Princeton,</i>	Sewell Mirick,	City Tavern.

### *Residence of Members.*

51

<i>Royalston,</i>	Hiram W. Albee,	Pemberton House.
<i>Rutland,</i>	David W. Fletcher,	Colony House.
<i>Sterling,</i>	Samuel Houghton,	
<i>Sturbridge,</i>	Simeon Hooker,	Franklin House.
<i>Templeton,</i>	Gilman Day,	Colony House.
<i>Upton,</i>	William Legg,	Mrs. Cheatham's.
<i>Uxbridge,</i>	Moses Taft, 2d,	Bromfield House.
<i>Warren,</i>	Sullivan Cowee,	28 Pearl st.
<i>Webster,</i>	John Dixon, Jr.,	Marlboro' Hotel.
<i>Westboro',</i>	Moses G. Maynard,	Marlboro' Hotel.
<i>West Boylston,</i>	Brigham Prescott,	31 Brattle st.
<i>Winchendon,</i>	Wareham Rand,	Pearl Street House.
<i>Worcester,</i>	Ira M. Barton,	U. S. Hotel.
	John Milton Earle,	U. S. Hotel.
	Darius Rice,	39 Hudson st.

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### **County of Hampshire.**

<i>Amherst,</i>	Timothy J. Gridley,	Marlboro' Hotel.
<i>Belchertown,</i>	Roderick Dorman,	City Tavern.
<i>Chesterfield,</i>	Rufus Burnell,	Colony House.
<i>Cummington,</i>	Hiram Steele,	Marlboro' Hotel.
<i>Easthampton,</i>	Zenas Clark,	Colony House.
<i>Enfield,</i>	Alvin Smith,	Marlboro' Hotel.
<i>Granby,</i>	Levi Taylor,	Marlboro' Hotel.
<i>Hadley,</i>	John A. Morton,	Colony House.
<i>Hatfield,</i>	Josiah Brown,	Franklin House.
<i>Middlefield,</i>	Jonathan McElwain,	Marlboro' Hotel.
<i>Northampton,</i>	Erastus Hopkins,	U. S. Hotel.
	Henry Dikeman,	U. S. Hotel.
<i>Plainfield,</i>	Jerijah Barber,	Marlboro' Hotel.
<i>Southampton,</i>	Strong Clark,	Colony House.
<i>Ware,</i>	Samuel M. Lemon,	City Tavern.
<i>Williamsburg,</i>	Erastus Bodman,	Colony House.
<i>Worthington,</i>	Ransloe Daniels,	123 Court st.

**County of Hampden.**

<i>Blandford,</i>	Vincent S. Bradley,	N. E. House.
<i>Brimfield,</i>	George Puffer,	City Tavern.
<i>Granville,</i>	Levi Brown,	N. E. House.
<i>Longmeadow,</i>	Lorin Burt,	Colony House.
<i>Ludlow,</i>	Artemas H. Whitney,	Franklin House.
<i>Palmer,</i>	Lambert Allen,	City Tavern.
<i>Russell,</i>	Newman Bishop, Jr.,	Marlboro' Hotel.
<i>Springfield,</i>	Walter Warriner,	Colony House.
	Henry Morris,	U. S. Hotel.
	Joseph B. McCune,	American House.
	George Dwight,	Tremont House.
	Robert G. Marsh,	American House.
<i>Wales,</i>	Absalom Gardner,	City Tavern.
<i>Westfield,</i>	Hiram Fox,	4 Chapman pl.
	Chauncey Colton,	N. E. House.

**County of Franklin.**

<i>Bernardston,</i>	Isaac Burrows,	Franklin House.
<i>Buckland,</i>	John Porter,	Marlboro' Hotel.
<i>Charlemont,</i>	Simeon H. Williams,	City Tavern.
<i>Deerfield,</i>	Rufus Saxton,	City Tavern.
<i>Greenfield,</i>	Lucius Nims,	Franklin House.
<i>Heath,</i>	Sullivan Taft,	39 Hudson st.
<i>Montague,</i>	Jonathan Hartwell,	74 Temple st.
<i>New Salem,</i>	Seth C. Smith,	City Tavern.
<i>Northfield,</i>	Zebulon Allen,	Franklin House.
<i>Orange,</i>	Benjamin Mayo,	Franklin House.
<i>Rowe,</i>	Solomon R. Drury,	1 Suffolk pl.
<i>Warwick,</i>	Abijah Eddy,	Franklin House.
<i>Wendell,</i>	Lyman Fiske,	Franklin House.

**County of Berkshire.**

<i>Becket, -</i>	Wm. S. Huntington,	Marlboro' Hotel.
<i>Cheshire,</i>	Andrew Bennett,	Colony House.
<i>Dalton,</i>	Cyrus Cleveland,	N. E. House.
<i>Gt. Barrington,</i>	Almon J. Loring,	N. E. House.
<i>Hancock,</i>	Gardner Smith,	Marlboro' Hotel.
<i>Lanesboro',</i>	William D. B. Linn,	N. E. House.
<i>Lee,</i>	George W. Platner,	American House.
<i>Otis,</i>	Enos Smith,	Marlboro' Hotel.
<i>Richmond,</i>	Walter Cook,	Marlboro' Hotel.
<i>Sandisfield,</i>	William H. Parsons,	N. E. House.
<i>Savoy,</i>	Bradish Dunham,	Jefferson House.
<i>Sheffield,</i>	Jedediah Burrell,	N. E. House.
<i>Stockbridge,</i>	Horatio Byington,	U. S. Hotel.
<i>W. Stockbridge,</i>	Nathan Kinne,	N. E. House.
<i>Williamstown,</i>	Isaac Latham,	Marlboro' Hotel.

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**County of Norfolk.**

<i>Cohasset,</i>	James C. Doane,	8 Franklin pl.
<i>Dodham,</i>	Joseph Day,	Wash. Coff. House.
<i>Dorchester,</i>	Eleazer J. Bispham,	At home.
	Oliver Hall,	54 Cornhill.
<i>Dover,</i>	Elijah Perry, Jr.,	Franklin House.
<i>Fazboro',</i>	John M. Everett,	41 Harvard st.
<i>Madfield,</i>	Henry Partridge,	Pemberton House.
<i>Madway,</i>	Horace Richardson,	Franklin House.
<i>Milton,</i>	Simeon Emerson,	At home.
<i>Needham,</i>	Daniel Kimball,	Pemberton House.
<i>Randolph,</i>	Samuel Newcomb,	Franklin House.
<i>Roxbury,</i>	Samuel H. Walley, Jr.,	4 Beacon st.
	John B. Jones,	At home.
	Joseph H. Billings,	At home.

<i>Sharon,</i>	Otis Johnson,	Nathaniel Vina. s.
<i>Stoughton,</i>	Charles A. French,	23 Brattle st.
<i>Walpole,</i>	George Bullard,	11 Sullivan pl.

**County of Bristol.**

<i>Attleboro',</i>	Moses Wilmarth,	Wash. Coff. House.
<i>Berkley,</i>	Samuel Newhall,	11 Channing st.
<i>Dartmouth,</i>	James Rider,	Pearl Street House.
	George Kirby,	Pearl Street House.
<i>Easton,</i>	Lincoln Drake,	Pearl Street House.
<i>Fairhaven,</i>	Nathaniel Church,	American House.
	George Mendall,	American House.
<i>Fall River,</i>	Charles J. Holmes,	Pearl Street House.
	Benjamin W. Miller,	Pearl Street House.
	Albert G. Eaton,	Pearl Street House.
<i>Freetown,</i>	Benjamin Dean,	11 Channing st.
<i>New Bedford,</i>	J. H. W. Page,	Tremont House.
	Abraham H. Howland,	Tremont House.
	Thomas Kempton,	Marlboro' Hotel.
	David R. Greene,	10 Beacon st.
	Calvin Staples,	19 Lynde st.
<i>Norton,</i>	R. H. Williams,	11 Channing st.
<i>Pawtucket,</i>	William D. Bullock,	Pearl Street House.
<i>Rehoboth,</i>	Granville Stevens,	Wash. Coff. House.
<i>Seekonk,</i>	Leonard Walker,	Pearl Street House.
<i>Swansy,</i>	Phillip M. Marvell,	11 Channing st.
<i>Westport,</i>	Perry Davis,	Franklin House.

**County of Plymouth.**

<i>Abington,</i>	Goddard Reed,	31 Brattle st.
<i>Bridgewater,</i>	Spencer Leonard, Jr.,	Pearl Street House.
<i>Duxbury,</i>	Joseph F. Wadsworth,	Cambridge.

*Residence of Members.*

55

<i>Kingston,</i>	Joseph S. Beal,	19 Somerset st.
<i>Marshfield,</i>	George Leonard,	34 Hancock st.
<i>Middleboro',</i>	Asa T. Winslow,	Jefferson House.
	Josiah Tinkham,	Jefferson House.
<i>N. Bridgewater,</i>	Henry French,	Pearl Street House.
<i>Pembroke,</i>	Luther Magoun,	36 Salem st.
<i>Plympton,</i>	Cephas Bumpus,	38 Eliot st.
<i>Rochester,</i>	George Bonney,	Bromfield House.
	Nathan Cannon,	Bromfield House.
<i>Wareham,</i>	Harrison G. O. Ellis,	70 Leverett st.
<i>W. Bridgewater,</i>	Dwellely Fobes,	Pearl Street House.

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**County of Barnstable.**

<i>Barnstable,</i>	Charles C. Bearse,	6 Channing st.
	Thomas B. Lewis,	5 Moon st.
<i>Brewster,</i>	Albert P. Clark,	148 Hanover st.
<i>Chatham,</i>	Watson Hinckley,	5 Moon st.
<i>Dennis,</i>	Joseph K. Baker,	148 Hanover st.
<i>Falmouth,</i>	Samuel P. Croswell,	17 Hayward pl.
<i>Harnwick,</i>	Cyrus Weeks,	148 Hanover st.
<i>Orleans,</i>	Alexander Kenrick,	148 Hanover st.
<i>Provincetown,</i>	James Gifford,	5 Sheaf st.
<i>Sandwich,</i>	David Benson,	49 Portland st.
	Charles Swift,	49 Portland st.
<i>Truro,</i>	Ebenezer Davis,	49 Portland st.
<i>Welfleet,</i>	Robert Y. Payne,	148 Hanover st.
<i>Yarmouth,</i>	Elisha Jenkins,	49 Portland st.

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**Dukes County.**

<i>Edgartown,</i>	Joseph Mayhew,	Marlboro' Hotel.
<i>Tisbury,</i>	Stephen Skiff,	31 Brattle st.



**County of Nantucket.**

<i>Nantucket.</i>	Justin Lawrence,	Bromfield House.
	George Harris,	Bromfield House.

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CHARLES W. STOREY, CLERK, 4 Court st.  
REV. WILLIAM JENKS, CHAPLAIN, 1 Crescent pl.  
REV. S. D. ROBBINS, CHAPLAIN, Chelsea.  
BENJ. STEVENS, SERGEANT-AT-ARMS, 46 Hancock st.  
ALEXIS POOLE, DOOR-KEEPER, 143 Pleasant st.  
DAVID MURPHY, MESSENGER, 74 Temple st.  
E. W. PALMER, ASSIST. MESSENGER, 34 Kneeland st.  
TIMOTHY HAYES, PAGE, 16 Sea st.

## POST OFFICE....BOSTON.

### MAIL ARRANGEMENT.

Southern Mail closes daily, at . . . . .	3½ o'clock, P. M.
Letters are received at the Providence Rail-road Depot, by the Express Mail Messenger, until . . . . .	4½, P. M.
Eastern Mail closes daily at . . . . .	1½, P. M.
Sundays excepted, on which day it closes at . . . . .	9½, A. M.
Newburyport, Portsmouth, and Portland, 2d mail, (Sundays excepted) at . . . . .	5, A. M.
Providence Mail at . . . . .	5, A. M., and 2, P. M.
Albany and all Mails west of Worcester, Worcester, Sundays excepted, at . . . . .	9, A. M. 1, P. M.
Springfield, Hartford and Albany, 2d mail, at . . . . .	3, P. M.
Worcester only on Sundays, . . . . .	12, M.
Northern Mail closes at . . . . .	5, A. M.
Lowell Mail closes at . . . . .	5, A. M., 10, A. M., and 4, P. M.
Nashua, Manchester and Concord, N. H., at . . . . .	10, A. M., and 5, A. M.
Haverhill, Exeter and Dover closes at . . . . .	5, A. M., and 1, P. M.
Northampton Mail closes at . . . . .	9, A. M.
New Bedford and Taunton Mail closes at 5, A. M., and . . . . .	2, P. M.
Cape Cod and Nantucket closes at . . . . .	8, P. M.
English Mail, by steamships, on days of sailing, . . . . .	12, M.
Southern, via Long Island Rail-road, . . . . .	5, A. M.

### WHEN DUE.

Southern Mail, . . . . .	averages 8 o'clock, A. M.
Worcester, Springfield and Hartford, due at . . . . .	1, P. M., and 8½, P. M.
Eastern Mail, . . . . .	1½, P. M.
Providence Mail, . . . . .	10, A. M., and 6, P. M.
Albany Mail, . . . . .	7, P. M.
Northern Mail, . . . . .	8½, P. M.
Lowell Mail, . . . . .	9½, A. M., 2½, P. M., and 7, P. M.
Newburyport, Portsmouth, and Portland, 2d Mail, due at . . . . .	9½, P. M.
Haverhill and Exeter, . . . . .	1, and 9½, P. M.
Northampton Mail, and all towns on the route, this side, at . . . . .	8½, P. M.
New Bedford and Taunton Mail, at . . . . .	10, A. M., and 6, P. M.
Cape Cod, . . . . .	6, P. M.
Nantucket, . . . . .	6, P. M.

# TRAVELLER'S DIRECTORY.

## RAILROADS.

DESTINATION.	DEPARTURE FROM BOSTON.
Albany, . . . . .	.10, A. M., and 4, P. M.
Andover, . . . . .	.11½, A. M.
Concord, N. H., . . . . .	.7, 11, A. M., and 5, P. M.
Concord, Mass., . . . . .	.7½, A. M., 1½, and 4½, P. M.
Dedham, . . . . .	.9, A. M., 3, 5½, 10, P. M.
Fall River, . . . . .	.8, A. M., 3½, P. M.
Fitchburg, . . . . .	.7½, A. M., 1½, and 4½, P. M.
Fresh Pond, . . . . .	.6½, A. M., 2½, P. M.
Lowell, . . . . .	.7, 11, A. M., and 2½, 5, P. M.
Nantucket, via. N. Bedford, . . . . .	.8, A. M., Tues., Thurs. and Sat.
Nashua, . . . . .	.7, 11, A. M., and 5, P. M.
New Bedford, . . . . .	.8, A. M., und 3½, P. M.
Newburyport, . . . . .	.7½, A. M., 2½, 4½, P. M.
New York, via. Hartford, . . . . .	.3½, P. M.
" " Albany, . . . . .	.7½, A. M., 4, P. M.
" " Norwich, . . . . .	Daily, 4 P. M.
" " Norwich and L. Island, . . . . .	daily, 8, A. M.
" " Stonington, . . . . .	Daily, 4½, P. M.
Newton, . . . . .	.9½, A. M., 3, 5½, 9½, P. M.
Portland, . . . . .	.7½, A. M., and 2½, P. M.
Portsmouth, . . . . .	.7½, A. M., 2½, and 4½, P. M.
Providence, . . . . .	.8, A. M., 3½, and 4½, P. M.
Salem, . . . . .	.7½, 9, A. M., 12½, 2½, 3½, 4½, 6, P. M.
Somersaworth, N. H., . . . . .	.7½, A. M., 2½, P. M.
" upper route, . . . . .	.7½, A. M., 2½, and 3½, P. M.
Springfield, . . . . .	.7, A. M., and 4, P. M.
Stoughton, . . . . .	.12, M., and 4, P. M.
Taunton, . . . . .	.8, A. M., and 3½, P. M.
Waltham, . . . . .	.10, A. M., 2½, and 6, P. M.
Worcester, . . . . .	.8 and 10, A. M., 2½, and 5, P. M.
Woburn, . . . . .	.8½, A. M., 2½, 4½, P. M.
Plymouth, . . . . .	.8, A. M., 3½, P. M.





**SENATE.....**

**.....No. 1.**

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**THIRTEENTH**

**ANNUAL REPORT OF THE TRUSTEES**

**OF THE**

**STATE LUNATIC HOSPITAL**

**AT WORCESTER.**

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**DECEMBER, 1845.**

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**Boston:**

**DUTTON & WENTWORTH, STATE PRINTERS**

**NO. 7, CONGRESS STREET.**

**1846.**



**THIRTEENTH ANNUAL REPORT**  
**OF THE**  
**TRUSTEES OF THE STATE LUNATIC HOSPITAL.**  
**DECEMBER, 1943.**

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THE Trustees most cheerfully perform a duty imposed by the Legislature, which first established the State Lunatic Hospital, of annually submitting a Report of the affairs of the Institution to the Governor and Council, and through them to the Legislature, for the information of the people of the Commonwealth.

Accompanying this Report is that of the Treasurer of the Board, and the Report and Statistical tables of the Superintendent. The details exhibited by the statements of these gentlemen will be found highly satisfactory, and of deep interest.

The Trustees are thus precluded the necessity of adverting to many particulars, which otherwise they would deem it important to notice,—and will only speak generally of the condition of the Hospital.

Witnessing the evidences of the Christian Philanthropy with which Massachusetts is imbued, in the charities of her numerous voluntary associations, and the munificent donations of her individual citizens for the relief of suffering humanity, and the diffusion of light and life far and near, it was natural to expect that the representatives of such a constituency, actuated by a similar spirit of benevolence, would “devise liberal things” for the alleviation of human woe in its most appalling form, and among the dwellers within her own borders.

From such a people and from such a spirit originated the plan of the “State Lunatic Hospital;” and well has it realized the design of its founders. From relatively a small beginning, (possessing only accommodations for 113 patients,) by the generous munificence of the State,



and the enlightened liberality of individuals, it has increased with the increasing wants of the community.

During the year, the attendance of the Trustees has been regular, the monthly visits and examinations of the Hospital punctual and thorough. The records faithfully exhibit the condition of the Institution during the several months, and this has been such as uniformly to command their warmest approbation.

To the gentlemen of the Board residing in the town of Worcester, more arduous duties have been assigned on account of their location, all of which have been most cheerfully performed.

A revision of the By-laws has been made for the better organization of the Hospital, adapted to its present enlarged state, distinctly defining the duties of every officer and individual in the employment of the Institution.

The financial affairs of the Hospital are set forth in the detailed report of the Treasurer. Its resources are from the patients, from the products of the farm, and of mechanical labor.

The current expenses of the past year are greater in proportion to the receipts than they will be hereafter; a considerable outlay being required for the enlargement of the Hospital, and the necessary preparations for a larger number of patients, previous to their reception. The ordinary charge for each patient has been \$2 25 per week. This sum is considered reasonable, and is believed to be generally satisfactory. The Trustees flatter themselves that by economical management the ordinary expenses of the Hospital can be met with its present resources,—and that no appropriations by the government for current expenses will be necessary in future.

The well managed finances of the Institution are the best eulogium on the faithfulness and integrity of our Treasurer, the Hon. Alfred D. Foster.

To present a concise view of the results that have attended the operations of the Hospital thus far, particularly for the last year, we introduce the following summary from data furnished by the records :—

Number of patients admitted since the foundation of the Hospital,	
thirteen years; is	2306
Number discharged is	1946
“ now in the Hospital, is	860
Recovered of all cases,	1038
Number of patients admitted the past year,	293

Number of patients discharged at the Hospital,	196
Average number in the Hospital,	316
Number now in the Hospital,	360

Whole number of Officers and Attendants connected with the Hospital, including the Superintendent, two Assistant Physicians; Chaplain, Steward, Matron, Supervisors and Assistants, is 75.

Making the whole number of persons in the establishment, 435.

During the past year, the trustees have seen, with great pleasure, the completion of the new buildings designed for the accommodation of an increased number of patients, and the other improvements,—which are commodious and economical. Accommodations for near four hundred patients are now provided by the additions which have been made from the Jobsonnot fund.

The Bakery and the Laundry, two separate buildings constructed on the most approved modern plans, have succeeded to our entire satisfaction. The same amount of labor in these departments is now performed by a less number of persons, and while the expense is thus diminished the work is better done.

The abundant supply of pure water, brought in iron pipes from an elevation which allows of its distribution to every part of the establishment, is invaluable.

The farm is an indispensable appendage. Its high cultivation and superior stock afford the best evidence of its good management, and it is altogether such as the practical farmer would be gratified to inspect. The grounds are tastefully laid out and ornamented; and the gardens, besides furnishing an abundant supply of vegetables, subserve the higher end of affording to the inmates pleasant recreation, and contribute not a little to their restoration to health.

The enlargement of the farm, by the purchase of adjoining lands, has been made on very advantageous terms. This measure was rendered indispensable by the enlargement of the Hospital, and preserves a desirable and useful symmetry between the two. The number of acres in the farm is now 75, and additional lands are engaged by the trustees at a very reasonable rate.

The State Lunatic Hospital has been styled “a model institution,” and it is only by adopting improvements, which careful observation and practical experience have suggested, that it has attained this distinguished excellence. One thing more is now most imperiously demanded to perfect the noble design of this heavenly charity. We refer to the erection of a building separate, and at some little distance from the

Hospital, for the accommodation of the imbecile, the raving, and the incurable. The building should consist of solitaries and large rooms with suitable conveniences for the comfortable residence of these classes of patients.

The following facts demonstrate the necessity of such an addition, and the advantages that would result from it :—

1st. With our present arrangements we have no suitable places for the classes of patients above referred to. The solitaries now used for those who require confinement, are not constructed on the most improved plan as regards ventilation and comfort; and, indeed, are the only unpleasant part of the whole establishment.

2d. Their proximity to the other apartments disturbs the comfort and quietude of large classes of patients of a different character,—becomes to them a positive injury,—and defeats the important advantages of a judicious classification of the patients.

3d. Many of the harmless and demented do not need separate lodges, but may very advantageously occupy large rooms, and of course require a less number of attendants; thus the expense of their maintenance may be materially diminished.

4th. By the proposed arrangement, the Hospital can receive an increased number of patients. This last consideration derives additional force from the fact, that Massachusetts, as yet, provides only for about two thirds of her insane poor.

With the remainder of the Johonnot fund, which will be available to this object, an additional sum of not exceeding twelve thousand dollars will be sufficient to effect the desired object. A favorable location has been contemplated at a suitable distance from the Hospital, on a beautiful elevation, and peculiarly adapted to this purpose.

The original buildings of the Hospital, and the large, recent additions, were erected by the same architect, Mr. Elias Carter. Though built at different times, as the exigencies of the Institution required, the whole is commodious and symmetrical.

With this contemplated improvement, which the Trustees regard as most urgent, the State Lunatic Hospital will stand preëminent in its wise arrangements and superior advantages.

In the Report of the Superintendent, much valuable information is communicated in relation to the causes and the treatment of insanity.

The Trustees regard the diffusion of such information as an important collateral advantage of the Hospital.

A knowledge in the community of certain causes that induce insan-

ity, will tend to their removal; and as society and the medical profession are made better acquainted with the rational treatment of the insane, many will receive benefit from the institution, who are never admitted as patients. The fact that experience declares that kindness in the management of the insane is better than severity, would, if universally impressed, of itself, do much good. The treatment divides itself into medical and moral. The principle is recognized that aberrations which affect the body only, or the mind only, or involving both, are only restored by coöperating with the ever active recuperative powers of the system in removing the cause, if curable, or in obviating the effects, if palliative only—and to this point, the treatment, both moral and medical, is directed.

And here we would pay that tribute to merit which is so justly due to our excellent Superintendent. Well educated in the science of medicine, for more than 20 years devoted to its practice, combining kindness of heart with decision and energy of character, Dr. Woodward was peculiarly qualified to take charge of the Institution; and now with 13 years experience in this particular department of medicine, possessing the entire confidence of all our predecessors, we were prepared to expect that the duties of his office would be ably and faithfully performed, and we have not been disappointed.

To the Chaplain, the Rev. George Allen, the Assistant Physicians, Drs. J. R. Lee and Rufus Woodward—to the Steward and Matron, Mr. and Mrs. Hitchcock, and the other officers and attendants, the Trustees take pleasure in awarding their highest approbation.

Notwithstanding the number of insane persons from one cause, intemperance, has greatly diminished, other causes are still in operation, which, with an increasing population, produce a proportionate increase of subjects for a Lunatic Hospital.

In the progress of civilization, with all its attendant blessings, we have as yet to mourn over the fact, that so far from a diminution of insanity, there has been an alarming increase. Insanity is rare in a savage state of society. One reason for this disparity undoubtedly, is, the substitution of the luxurious and artificial, for the more simple and natural modes of life. Another and more important one is, that among the ignorant and uncultivated, the mental faculties lie dormant, and hence are less liable to derangement.

But in an age like the present, when mind is aroused, and light is dissipating the darkness which has rested like an incubus on the intellect; and in a country like our own, where freedom of thought and

action are almost unlimited ; where enterprise is stimulated by the bright promises of success ; where novelty and experiments, and wild speculation dazzle the imagination and bewilder the judgment, what other results can we expect from the extravagance and ultraism of the day, than numerous aberrations of mind ? They will occur and must be provided for by a wise and humane government.

And yet we may confidently look forward to a more advanced state of improvement, when the evils now attendant on progress will rapidly diminish—when body and mind shall be subjected to law, which, while they impart vigor and energy, will preserve a healthful and harmonious condition of both.

The State Lunatic Hospital of Massachusetts, the offspring of a benevolence most honorable to her citizens, has already proved an incalculable blessing to the State. In the distribution of its benefits, the preference has always been given to her unfortunate and friendless poor. Nor have the advantages of the Hospital been confined to the State. The praiseworthy example here set, has exerted an influence over the whole country. Since the establishment of this Asylum, which was one of the earliest in the United States, similar institutions have sprung up in about twenty other States—and soon there will be no State where provision is not made for this unfortunate class. And, to the honor of Massachusetts be it said, that to her Hospital other States have looked as the “ Model Institution.”

In conclusion, the Trustees would gratefully recognize the kind Providence that directed the attention of the Guardians of the State to the relief of a class of their fellow citizens and fellow men, deprived of the exercise of those higher faculties which distinguish man from the lower orders of creation, and suffering under the heaviest curse to which our fallen nature is subject. Through the goodness of the same Providence, the measures adopted have been crowned with the most gratifying success. The victims of insanity have been transferred from the abodes of filth and wretchedness to those of cleanliness and comfort—from chains and dungeons to liberty and the pleasant light of day—the broken links in the family circle have been reunited—the effaced likeness, and the marred image of the Creator restored, and joy and gladness have been carried to the hearts of thousands of our fellow citizens.

In these results the Trustees have found the highest reward of their own labor, and are more than repaid for all the sacrifice of time which the duties of their office have required.

We ask for the Institution the fostering care of the government, and commend it to the enduring blessing of Heaven.

H. H. CHILDS,  
JOSEPH SARGENT,  
S. C. PHILLIPS,  
STEPHEN SALISBURY,  
JESSE MURDOCK.

## TREASURER'S REPORT.

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*To His Excellency GEORGE N. BRIGGS, Governor, and to the Honorable Executive Council of the Commonwealth of Massachusetts :*

The Treasurer of the State Lunatic Hospital respectfully presents his Thirteenth Annual Report :

The Treasurer charges himself from December 1, 1844, to November 30, 1845, inclusive, as follows ;

For cash on hand, Dec. 1, 1844, balance of account,	- - - - -	\$2992 83
For receipts from the State Treasury for State Pauper Lunatics, and from cities, towns, and individuals,	- - - - -	31,885 83
For credits on bills for sundry articles sold, &c.,		622 42
For amount overdrawn at the Worcester Bank, carried to next account,	- - - - -	8387 57
		<hr/> \$43,888 65

He credits himself as follows :

For payments for improvements and repairs, including \$1047 81, paid for land,	- - -	\$3255 68
For payments for salaries, wages and labor,		- 10,549 97
“ “ “ clothing, linen, &c.,	- - -	2332 70
“ “ “ furniture and bedding,	- - -	1921 36
“ “ “ fuel and lights,	- - -	6098 28
“ “ “ provisions and groceries,	- - -	17,132 21
“ “ “ medical supplies,	- - -	579 24
“ “ “ hay, \$263 79, straw, \$160 25,		424 04
“ “ “ miscellaneous,	- - -	1595 17
		<hr/> \$43,888 65

The item fuel and lights includes—

Wood, 954 cords, 7 feet 2 inches,	- - -	\$4292 35
Charcoal, 2617 bushels,	- - -	235 48
Anthracite, 121 tons, 1275 lbs.,	- - -	947 34
Wick, - - - - -	- - -	6 79
Oil, 659 gallons,	- - -	616 32
		<hr/> \$6098 28

The Treasurer supposes the Institution to be now supplied with the officers and attendants thought by the Trustees and Superintendent necessary since the enlargement, and he exhibits a tabular statement, such as was given in his reports from the second to the tenth inclusive, but which was omitted in the two last reports, because thought by him to be unnecessary.



The payments for Salaries, Wages and Labor, are distributed as in the following Table. The Gratuities mentioned are given by authority of the Trustees, as a bounty upon fidelity and long service. The Table embraces the names of all who, within the year, were regularly employed in the Hospital and paid by the Treasurer, but not of those whose salaries are paid directly from the State Treasury. Those not in the employ of the Institution on the first of December are so designated, and are marked with an asterisk.

NAMES.	SERVICE.	COMPENSATION.	AM'T PAID.	REMARKS.
*John E. Buckman, -	Attendant, -	Board and \$14 00 per month,	\$17 23	Not now employed.
*George H. Holbrook, -	Attendant, -	" " " 14 00 per month,	140 74	\$8 gratuity. Not now empl.
*William H. Blackmer, -	Attendant, -	" " " 15 00 per month,	177 75	\$8 gratuity. Not now empl.
*Frederick Whitney, -	Attendant, -	" " " 14 00 per month,	154 92	Not now empl.
*Sylvester Richmond, -	Attendant, -	" " " 14 00 per month,	93 01	Not now empl.
*George S. Lombard, -	Watchman, -	" " " 14 00 per month,	42 00	Not now empl.
*Josiah Hayward, -	Mechanic, -	" " " 350 00 per year,	141 50	\$8 gratuity. } Not now empl.
*Mrs Hayward, -	Supervisor, -	" " " 2 00 per week,	37 71	\$5 gratuity. } Not now empl.
*Mary Hale, -	Washer, -	" " " 2 00 per week,	37 71	Not now empl.
*Margaret Dailey, -	Washer, -	" " " 2 00 per week,	92 13	Not now empl.
*Martha Crocker, -	Attendant, -	" " " 2 00 per week,	24 63	\$5 gratuity. Not now empl.
*Eliza Muzzy, -	Table Girl, -	" " " 1 75 per week,	11 67	Not now empl.
*Betsey W. Whiting, -	Ironer, -	" " " 1 50 per week,		Not now empl.
*William Conkey, -	Attendants, -	" " " 15 00 per month,	33 00	Not now empl.
*Mrs Conkey, -	Attendants, -	" " " 2 00 per week,		
David Hitchcock, -	Shoemaker, -	" " " 350 00 per year,	350 90	\$8 gratuity.
Mrs Hitchcock, -	Housekeeper in bak'ry,	" " " 350 00 per year,		\$5 gratuity.
Hollis Chaffin, -	Overseers of Wing.	" " " 350 00 per year,	347 16	\$8 gratuity.
Mrs Chaffin, -		" " " 350 00 per year,		\$5 gratuity.

Horatio N. Welch,	Wing.	Brd. and 350 00 per year,	\$345 80	\$8 gratuity.
Mrs Welch,	Wing.	" " 350 00 per year,	382 52	\$5 gratuity.
John A. Wheelock,	Wing.	" " 350 00 per year,	232 34	\$5 gratuity.
Mrs B. Knowlton,	Wing.	" " 350 00 per year,	412 68	\$8 gratuity.
Mark B. Knowlton,	Wing.	" " 350 00 per year,	347 62	\$5 gratuity.
Mrs T. Mirick,	Supervisors, and son,	" " 350 00 per year,	393 44	\$5 gratuity.
Mrs Mirick,	Errand boy,	" " 525 00 per year,	185 00	Not now empl.
And son,	Overseers of Laundry,	" " 450 00 per year,	205 22	Not now empl.
Lyman Bugbee,	Overseers of Laundry,	" " 14 00 per month,	110 85	Not now empl.
Mrs Bugbee,	Overseers of Laundry,	" " 14 00 per month,	174 54	\$8 gratuity.
Amasa Knowlton,	Overseers of Laundry,	" " 2 00 per week,	102 71	\$5 gratuity.
Mrs Knowlton,	Overseers of Laundry,	" " 2 00 per week,	102 13	\$5 gratuity.
Two daughters,	Overseers of Laundry,	" " 2 00 per week,	104 71	\$5 gratuity.
Amos Wood,	Overseers of Laundry,	" " 15 00 per month,	190 25	\$16 gratuity;—one gratuity belongs to the year before.
Edwin W. Nye,	Overseers of Laundry,	" " 14 00 per month,	172 02	\$8 gratuity.
*Jaalam Gates,	Overseers of Laundry,	" " 1 75 per week,	85 00	\$5 gratuity.
Orison Thomas,	Overseers of Laundry,	" " 2 00 per week,	64 29	\$5 gratuity.
Clarissa Chaffin,	Overseers of Laundry,	" " 2 00 per week,	37 12	\$5 gratuity.
Achash B. Clark,	Overseers of Laundry,	" " 2 00 per week,	81 74	\$5 gratuity.
Isabella P. Hooker,	Overseers of Laundry,	" " 2 00 per week,	107 29	\$5 gratuity.
Samuel Preston,	Overseers of Laundry,	" " 2 00 per week,		\$5 gratuity.
Charles F. Conant,	Overseers of Laundry,	" " 2 00 per week,		\$5 gratuity.
Catherine Raynes,	Overseers of Laundry,	" " 2 00 per week,		\$5 gratuity.
Eliza A. Farratt,	Overseers of Laundry,	" " 2 00 per week,		\$5 gratuity.
Rosella A. Thatcher,	Overseers of Laundry,	" " 2 00 per week,		\$5 gratuity.
Elizabeth Rogers,	Overseers of Laundry,	" " 2 00 per week,		\$5 gratuity.
Laura A. Converse,	Overseers of Laundry,	" " 2 00 per week,		\$5 gratuity.

## TREASURER'S REPORT—CONTINUED.

NAMES.	SERVICE.	COMPENSATION.	AM'T PAID.	REMARKS.
Lucy Ann Chapman,	-	Board and \$2 50 per week,	\$126 43	\$5 gratuity.
Esther S. Blackmer,	-	" " 1 50 per week,	82 56	\$5 gratuity.
Elizabeth C. Thomas,	-	" " 1 50 per week,	82 12	\$5 gratuity.
Caroline A. Knowlton,	-	" " 1 75 per week,	64 25	
James B. Billings,	-	" " 15 00 per month,	153 00	
Mrs Billings,	-	" " 2 00 per week,		
Edmund Nichols,	-	" " 14 00 per month,	236 99	
Mrs Nichols,	-	" " 2 00 per week,		
Lovander W. Conant,	-	" " 14 00 per month,	199 12	
Mrs Conant,	-	" " 2 00 per week,		
Zadock Goldthwait,	-	" " 14 00 per month,	195 78	
Mrs Goldthwait,	-	" " 2 00 per week,		
Harriet Hooker,	-	" " 2 00 per week,	103 29	\$5 gratuity.
Melinda Hooker,	-	" " 2 00 per week,	102 42	\$5 gratuity.
Louisa Hayward,	-	" " 2 00 per week,	100 13	\$5 gratuity.
Oral B. Bruce,	-	" " 2 00 per week,	75 26	
Harriet C. Hamlin,	-	" " 2 00 per week,	108 53	\$5 gratuity.
Eunice Howe,	-	" " 2 00 per week,	98 71	\$5 gratuity.
Lucy B. Waters,	-	" " 2 00 per week,	130 28	{ \$10 gratuity. One year's wages and one gratuity belong to the year before.
Agnes Johnston,	-	" " 2 00 per week,	104 42	

Mary Ann Johnston,	-	Attendant,	-	Board and	\$2 00 per week,	\$102 56	\$5 gratuity.
Eliza E. Morse,	-	Attendant,	-	"	" 2 00 per week,	102 76	\$5 gratuity.
Sophia N. Fay,	-	Attendant,	-	"	" 2 00 per week,	96 14	\$5 gratuity.
Hannah Baker,	-	Attendant,	-	"	" 2 00 per week,	102 45	\$5 gratuity.
Mary Kelley,	-	Attendant,	-	"	" 2 00 per week,	54 87	
Martha Fountain,	-	Attendant,	-	"	" 2 00 per week,	48 58	
Zoa S. Hamlin,	-	Attendant,	-	"	" 2 00 per week,	35 71	
Benjamin F. Stow,	-	Attendant,	-	"	" 15 00 per month,	183 00	\$8 gratuity.
Lozano C. Knowlton,	-	Attendant,	-	"	" 14 00 per month,	138 16	
John Heywood,	-	Attendant,	-	"	" 15 00 per month,	179 62	\$8 gratuity.
Ephraim C. Chamberlain,	-	Attendant,	-	"	" 14 00 per month,	120 84	
Henry S. Snow,	-	Attendant,	-	"	" 14 00 per month,	71 84	
Willard B. Parks,	-	Attendant,	-	"	" 14 00 per month,	83 08	
Junia S. Evans,	-	Attendant,	-	"	" 14 00 per month,	42 46	
John A. Bruce,	-	Attendant,	-	"	" 14 00 per month,	11 70	
John Gates,	-	Attendant,	-	"	" 14 00 per month,	14 00	
George Allen,	-	Chaplain,	-	{ Board, fuel, furnished apart- ment, and \$600 per ann.	{	682 00	{ Of this, \$82 belongs to the year before.
Rufus Woodward,	-	Assistant Physician,	-	{ Board, fuel, furnished apart- ment, and \$500 per ann.	{	353 00	
Henry Woodward,	-	Clerk,	-	{ Bld. and \$100 per ann., and additional for extra labor.	{	105 27	
Alfred Dwight Foster,	-	Treasurer,	-	\$250 per annum,		\$9980 66	
Labor by those not regularly employed,	-	-	-	-		250 00	
	-	-	-	-		319 31	
Amount of Salaries, Wages and Labor,	-	-	-	-		\$10,549 97	

*Provisions and Groceries include*

Fruits, &c.,	-	-	-	-	-	\$1409 84
Salt, spices and small groceries,	-	-	-	-	-	232 90
Soap,	-	-	-	-	-	571 58
Eggs,	-	-	1050 1-2 dozen,	-	-	154 67
Cheese,	-	-	9786 1-2 lbs.	-	-	767 05
Butter,	-	-	17,142 1-2 lbs.	-	-	2771 08
Milk,	-	-	40 cans,	-	-	42 93
Peas, dry and green,	-	-	-	-	-	48 61
Beans,	-	-	47 bushels 1 quart,	-	-	73 10
Shells,	-	-	30 lbs.	-	-	3 30
Tea,	-	-	1432 lbs.	-	-	386 52
Coffee,	-	-	2588 lbs.	-	-	185 57
Biscuit,	-	-	-	-	-	184 84
Brown Sugar,	-	-	19,611 1-2 lbs.	-	-	1443 91
White Sugar,	-	-	1351 lbs.	-	-	167 00
Molasses,	-	-	866 gallons,	-	-	295 26
Honey,	-	-	341 1-4 lbs.	-	-	36 94
Vinegar, 568 gallons ; cider, 3 bbls. and sundry bottles,	-	-	-	-	-	70 34
Rice,	-	-	2721 lbs.	-	-	101 76
Corn,	-	-	1051 bushels,	-	-	775 22
Oats,	-	-	98 bushels,	-	-	36 75
Rye,	-	-	492 bushels,	-	-	388 27
Barley,	-	-	5 bushels,	-	-	3 00
Flour,	-	-	333 barrels,	-	-	1819 00
Turnips,	-	-	31 bushels,	-	-	6 20
Potatoes, 2423 3-8 bushels, and 1-2 acre by the lot,	-	-	-	-	-	1031 11
Poultry,	-	-	1328 3-4 lbs.—4 doz. pigeons,	-	-	127 76
Fresh Fish,	-	-	-	-	-	92 82
Salt Fish,	-	-	5446 lbs.	-	-	153 76
Halibut,	-	-	100 lbs.	-	-	4 00
Mackerel,	-	-	3 barrels,	-	-	35 50
Oysters,	-	-	23 gallons	-	-	27 79
Salmon,	-	-	3 barrels 36 lbs.	-	-	46 40
Shad,	-	-	2 barrels,	-	-	16 00
Ham and dried beef,	-	-	1934 10-16 lbs., and smoking others,	-	-	192 09
Mutton and lamb,	-	-	2483 lbs.	-	-	195 78

Tripe, - -	191 1-2 lbs.	- -	- \$17 11
Beef, - -	37,092 1-2 lbs.	- -	- 2286 72
Pork, - -	5740 lbs.	- -	- 375 51
Veal, - -	5191 1-4 lbs.	- -	- 342 79
Salt Pork, - -	1 barrel, 422 lbs.	- -	- 50 76
Salt Beef, - -	961 3-4 lbs.	- -	- 49 44
Tongue, - -	232 lbs.	- -	- 24 00
Sausages, - -	901 lbs.	- -	- 87 23

Amount of provisions and groceries, - -	- -	<u>\$17,182 21</u>
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*Miscellaneous includes*

Cash advanced to patients and charged in their accounts, or paid to them when leaving the Hospital, - -	- -	- \$234 85
Expenses after elopers or for their return, - -	- -	- 51 14
Funeral expenses, - - - -	- -	- 128 00
Postage, - - - -	- -	- 107 48
Expenses of Trustees' visits, - - - -	- -	- 182 12
Filling ice cellar, 25 50; ice, 3 84, - - - -	- -	- 29 34
Pasturing cattle, - - - -	- -	- 31 09
Stationery, printing and periodicals, - - - -	- -	- 118 34
Six visits of Steward to Boston to purchase supplies, - -	- -	- 27 56
One pair of oxen, two horses, eight cows, one bull, one calf, one pig, and exchange of pigs, - - - -	- -	- 602 50
Rent and care of room for Chaplain, - - - -	- -	- 43 00
Sundries, - - - -	- -	- 39 75
Amount of Miscellaneous, - - - -	- -	<u>\$1595 17</u>

The preceding account shows a large balance against the Hospital on the first of December current. It is partly to be accounted for from the fact, that the increased number of patients were all to be supported in advance of any thing being paid for them, as the bills did not become due till the date to which the account is made up. Including the purchase of land, there has been much more than usual expended the past year, under the item "improvements and repairs." The expenses under this head need not be, and probably will not be, continued on this enlarged scale—at least that is the Treasurer's opinion. The aggregate of every other item must, on account of the enlargement of

the institution, be necessarily very much increased in future, compared with past years. Should the rigid economy with which the Institution has been formerly managed, prevail hereafter, the proportional expense will not be greater than it has formerly been. But the tendency in all institutions, which depend, in any measure, on the public treasury for support, is to increased liberality of expenditure. In the case of this Hospital for the insane, who here are, generally, of the poorer classes, it is reasonable and fair to presume, that every person who has any care in its management will remember it is not the public treasury, which bears the larger share of the expense, but the patients themselves, or those liable to support them. This certainly has been remembered, and it ought not to be forgotten.

Ever since its foundation, the Hospital has been aided in some form from the State Treasury. It is right that it should be so, as large numbers of State Pauper Lunatics have always been among its inmates. Provision by law now exists, whereby these patients are made chargeable to the Commonwealth, and the expenses of their support are paid from its Treasury. The amount thus received in 1845 was \$4,909 70, and more than \$7,000 is expected on a like account in 1846. It has heretofore seemed to the Treasurer that, with the appropriation for paying for State Pauper Lunatics, the Hospital need not require further aid from the Legislature. It is to be hoped he did not mis-judge; but the present condition of his accounts leads him to fear it may be otherwise.

A larger amount of bills for fuel than usual became due in November and December of this year; and a less amount of groceries was on hand at the close of the year. This has made additional advances necessary, and including the balance of account to December first, there has been paid out the sum of \$10,181 02, which is to be met by the receipts subsequent to December first, and the current expenses of the Hospital are to be paid from the same source.

Not including accounts for State Paupers, the balances of	
all accounts accrued to December 1, considered good,	
but not all then due, amount to	\$18,249 16
The account for State Paupers, as made up by the Treasurer to December 1, amounts to	
	7,751 35
The appropriation for the current expenses of the Hospital, made by Resolves of March 3, 1842, and still unpaid, is	
	<u>2,000 00</u>

Supposing this all paid within six months, (which cannot

be expected,) it will be . . . . .	\$28,000 51
From this deduct, already expended, . . . . .	10,181 02
There will remain the sum of . . . . .	<u>\$17,819 49</u>

to support the Institution the six months ensuing December first. This, it is manifest, is less than half the expenditure of last year, though that of the first half of the year was based upon a smaller number of patients than are to be calculated for this year. The Treasurer is thus brought very reluctantly to the conclusion, that one or all of three things must be done—the expenses of the Institution curtailed, the price of board materially increased, or an additional appropriation made to meet the current expenses of the year. Whether the expenses can be diminished, the Superintendent and Trustees are more competent to judge than the Treasurer, and to them, not to him, this inquiry belongs.

The law contemplates that paupers shall be supported at charges not exceeding the actual cost of support. The actual cost must be greatly controlled by the prices of articles consumed—salaries and wages remaining the same; and it is apparent that many of those articles are at higher market prices than they have been for some time. It is believed that the accounts will shew the purchases to have been generally made at the lowest market prices. Supposing them to continue to be so made, it would seem just and proper for the ensuing year, proportionally, to enhance the price of board. But this also rests with the Trustees, who will, doubtless, exercise a sound discretion. And, whether, after all, an appropriation will be necessary, is a matter which the Treasurer prefers to leave with those to decide, who have the power to make it. He has stated the facts on which an opinion is to be formed, as well as he can without more detail than is suitable. He will be happy to open his books and vouchers to any who are authorized to examine them, and to make any explanation or give any information in his power.

It may be expected of the Treasurer to state the condition of the Johonnot funds. The property in which those funds were invested, has all been converted into cash, except 35 shares of the stock of the Ipswich Bank, on which the Bank has paid 78 per cent.

The amount received was . . . . .	\$44,318 37
The amount expended for building and furnishing the Johonnot wings of the Hospital, was . . . . .	<u>40,106 84</u>
Leaving unexpended and in bank, the sum of . . . . .	\$4,211 53



From the information he had received from the Agent of the Commissioners, the Treasurer was led to suppose the whole would be required, and therefore reduced the funds to cash. But, on settlement in September last, the gratifying fact appeared, that this large operation had been carried on, and every thing satisfactorily done within the estimates originally furnished—a fact almost without a parallel, either in public or private experience.

It will be the duty of the Treasurer to re-invest the above mentioned balance of the Johonnot funds, and to pay the income to the State Treasury, as he has hitherto done, unless the Legislature otherwise direct. He has not yet done it, because he thought it highly probable it would be used, under the authority of the Legislature, for some permanent improvements, or for the purchase of land, and because of his over-drafts on the Bank where it is deposited.

The appropriations, drawn from the Treasury of the Commonwealth, for building a barn and shops ; for building a laundry ; for laying an aqueduct, and paying for damages for land taken for the aqueduct, and for the purchase of land, have severally been exactly expended, and the accounts exhibited to the Trustees, and by them approved.

ALFRED DWIGHT FOSTER,

*Treasurer of the State Lunatic Hospital.*

WORCESTER, December 22, 1845.

THE THIRTEENTH REPORT  
OF THE  
SUPERINTENDENT TO THE TRUSTEES  
OF THE  
STATE LUNATIC HOSPITAL,  
WORCESTER, MASS.,

*From Dec. 1st, 1844, to Nov. 30th, 1845, inclusive.*

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THE State Lunatic Hospital, with its enlargements and appendages, is now nearly filled with patients. The additions made by the appropriation of the Jobonnot fund, were partly finished in February last, and entirely completed in the month of July. They are already extensively occupied, having in them at this time about 70 male patients and 60 females. In all, we have now 360 patients occupying eighteen galleries, a few solitary apartments, and male and female dormitories for the sick. At the rate of increase since the new apartments were in readiness before they shall have been opened a year, every room will be occupied.

With some imperfections, which could be remedied by building a large institution at once, instead of many times, this is a noble structure, affording comfortable accommodations, well arranged for classification, and well adapted to the wants of the insane.

When the first Hospital building was erected, a few solitary rooms were provided; and when the first wings were added, some basement rooms were finished, in a rough and imperfect manner, for the violent and dangerous patients. These rooms are now not only insufficient for the present purposes of the institution, but they are also gloomy, uncomfortable and badly ventilated apartments. To complete the arrangements for such a large number of patients, and to make the classification more perfect, so that the noisy and violent patients can be separated from the quiet and convalescent, another building is needed, partly

to take the place of the basement rooms, and partly to add some dormitories for the imbecile and quiet, and increase the number of rooms for this class, which, in an institution of this character, may be fairly estimated at about ten per cent. of the whole.

So far as I am able to judge, from my own experience and the observations of others, in this country ten per cent. of the patients require strong or protected rooms, and about the same proportion can be safely lodged in dormitories. I am not greatly in favor of dormitories in which a *large* number of patients lodge together; it is repugnant to all the feelings of delicacy belonging to human nature. Nothing could be more disagreeable to a person of delicate feelings than to be constrained to sleep in a room with a large number of individuals, even for a single night; but to be obliged to lodge in this way from month to month, or from year to year, would be exceedingly objectionable. The timid often do well to sleep with others in the same apartment, and to a suicidal patient it may be some protection to sleep in a room with another patient, or with an attendant; but where the propensity to suicide is strong in any case, this protection would be inadequate, and could not be relied upon. The patients in our own Hospital are different from those found in many of the large asylums in Europe. An instinctive love of liberty characterizes the American people, and there are few individuals who would be willing to be inmates of any place of confinement on account of a daily allowance of abundant food and other comforts of life. Our poor have little fear of starvation or other suffering from mere poverty; when they are well, they can provide for themselves, and as soon as they recover from insanity or other disease in insane or other Hospitals, they yearn for liberty, and desire enlargement. Dormitories are not well suited for this class of restless beings, though they may do well for paupers who are glad to remain where abundance of food is provided, and shelter and lodging secured to them.

In most of the Hospitals in this country now being erected or enlarged, the dormitory system, as now extensively in vogue in Europe, is not adopted. Probably in no one more than ten per cent. of the patients are designed to lodge in this manner. This is well, and shows that practical wisdom has prevailed over theories untried in the construction of our Hospitals.

I think it not amiss to place a few patients together in dormitories, under the care of an attendant; but I should be particularly careful that those affected with periodical excitement, and the impulsive insane

should not be of the number. Almost every homicide that has been in this Hospital, and the number has been unusually great, has been considered safe and harmless before he committed the act. Even the dull and harmless insane, those that have been for a long time passive and stupid, occasionally wake up to a sudden outbreak of violence, do some considerable mischief, and again become passive and stupid.

A few years ago, a man who had been for many years dull and quiet in his cage, was let out by his friend as an experiment, thinking he was quite harmless. He immediately seized a weapon, pursued an idiot brother, and killed him in the presence of his liberator, before they could again secure him. He spent the remainder of his days in this Hospital, quite docile.

Another insane man, considered perfectly harmless, in an alms-house in this State, was sitting at breakfast with his associates in presence of his keepers; he rose deliberately, seized a billet of wood, and, with a well-directed blow upon the head of a poor woman, killed her upon the spot, and exhibited no agitation after the deed. For a long time after this, he was in our care, was usually quiet and passive, but occasionally impulsive.

An insane man who was usually considered harmless, and who had never been separated from his family on account of any violence, while sitting in conversation with his wife, rose deliberately, went into another room, took up a bludgeon, aimed a deadly blow at the head of his wife and killed her. He spent the remainder of the day in lamenting the deed. He has been in our care more than twelve years, is usually a quiet, conscientious man, but occasionally impulsive and passionate.

A worthy, religious woman, laboring under melancholy, who had the care of her family and was left in the house with her two children, attempted to destroy them, inflicting dreadful wounds upon them and upon a neighbor who came to their rescue. She came to our care and recovered. While insane, she appeared exceedingly timid and harmless; no one unacquainted with her previous history would have suspected her capable of any act of violence.

A young man, who was insane from love, was left in charge of an infant by its mother, while she was engaged abroad; he cut its throat from ear to ear, and the mother on her return found her child dead. This man has been with us some years, and, protesting his innocence, spends hours every day in prayer that he may be forgiven. He is usually quite harmless, but impulsive and excitable.

These cases show that though some insane persons may live together in dormitories, the least suspected may become suddenly excited, and, before even an attendant could be aroused and come to the rescue, might do fatal mischief. I believe those who have the care of the insane, generally feel safest when they are in separate apartments at night.

Our principal experiment with dormitories last winter, was successful, and no harm took place ; but we had repeatedly to change some of the twenty patients in the course of the season, to bring together such as seemed to us perfectly harmless. It is not uncommon in large establishments to have sudden outbreaks with those who have been a long time quiet.

This Hospital, having separate rooms for about three hundred and sixty patients, and dormitories for twenty or more sick, would be well fitted for all classes if it had thirty strong or protected rooms, to take the place of some badly constructed ones, and dormitories for thirty more. Such apartments can be easily added, and increased accommodations can hardly fail to be needed.

The general plan and arrangements of this Hospital are most approved for large establishments in this country. It has a tier of rooms each side of a spacious corridor, three stories high. Those being erected or enlarged at the present time are mostly of the same arrangement. The H and the L forms present nearly the same advantages, both ends of the galleries can be open to the light, and a free circulation of air, and both forms make a compact building. In such a constructed building, as much of the upper story as is desirable can be left for day rooms or dormitories, these can afterwards be divided into separate apartments if necessary.

The *Star* form of building is objectionable inasmuch as one end of the corridors must be closed and come in contact with the centre building, and as the wings converge the apartments come too near each other.

The *Lineal* form is good for a small building, but then even I should prefer two tiers of rooms, a spacious corridor, and three stories.

In all the institutions I have visited, the upper story is the pleasantest, and is generally occupied by the best class of patients. Three stories can be well heated by a furnace of the right construction. A building of this description costs less in proportion than any other, can be as thoroughly ventilated, and more easily warmed. If the Hospital is to contain many more than one hundred patients, the L or H form is pre-

ferable to the *lineal* form. If it is to accommodate three or four hundred, the latter form is quite objectionable, as it will extend too far from the centre, where the places of business and domestic labor must be located.

Taking all things into consideration, for such a large establishment as this Hospital, designed as a public institution, it is doubtful whether, considering comfort, convenience, ease of supervision, warming, ventilation, and economy of erection, there has been a better plan devised, and the adoption of it by the States of Maine, New Hampshire, New York, New Jersey, Ohio and Virginia, which have been more recently erecting similar establishments, is some proof in favor of this view of the subject.

## TABULAR VIEW

*Of the Condition of the State Lunatic Hospital, from December 1st, 1844, to November 30th, 1845, inclusive.*

No.	Time of admission.	Are when admitted.	Sex.	Married or single.	Supposed Cause.	Duration before admission.	By whom committed.	Time spent in the Hospital.	Discharged or Remaining.	In what state.	Hereditary. Suicidal.	Periodical. Homicidal.
1833.												
2	Jan. 12	63	Male	Widower	Religious.	7 years	The Court	12 yrs	10 mths	Improved	Hereditary.	Periodical.
7	do 29	44	do	do	Intemperance.	6 do	do	12 yrs	10 mths	do	do	do
8	do 30	56	do	Single	Unknown.	10 do	The Legislature	12 yrs	10 mths	Stationary	do	do
12	Feb. 15	39	do	Widower	Intemperance.	14 do	The Court	12 yrs	9 mths	Improved	Foreigner.	Pauper.
18	do 18	66	Female	Widow	Unknown.	27 do	do	12 yrs	9 mths	Stationary	do	do
19	do 18	48	do	do	do	7 do	do	12 yrs	9 mths	do	do	do
21	do 18	23	Male	Single	Masturbation.	5 do	do	12 yrs	9 mths	Improved	do	do
27	do 28	36	do	Married	Intemperance.	16 do	do	12 yrs	8 mths	Stationary	do	do
44	March 16	44	do	Single	do	16 do	do	12 yrs	8 mths	do	Homicidal.	do
46	do 16	49	do	Widower	Religious.	14 do	do	12 yrs	8 mths	do	do	do
102	June 6	42	Female	Single	Disappointed affection.	14 do	do	12 yrs	5 mths	Improved	do	do
133	Oct. 19	33	do	Widow	Ill health.	2 do	do	12 yrs	1 mth	Stationary	Hereditary.	do
1834.												
190	March 22	40	Male	Married	Jealousy of wife.	3 do	do	11 yrs	8 mths	do	Demented.	Periodical.
209	April 30	29	do	Single	Unknown.	10 do	do	11 yrs	7 mths	Improved	Homicidal.	do
223	June 21	40	Female	do	Domestic affliction.	6 do	do	11 yrs	do	Recovered	Hereditary.	Periodical.
260	Oct. 9	37	Male	do	Unknown.	6 do	do	11 yrs	do	Stationary	Periodical.	do
278	Dec. 18	40	do	do	do	2 months	do	11 yrs	do	do	do	do
1835.												
308	April 18	25	Female	do	Intemperance.	Unknown	do	10 yrs	7 mths	do	Foreigner.	Pauper.
319	May 12	45	do	Married	Ill health.	6 years	do	10 yrs	6 mths	do	Demented.	do
347	May 15	52	Male	do	Intemperance.	6 do	do	10 yrs	4 mths	do	Hereditary.	Periodical.
367	July 1	32	do	Single	Masturbation.	4 do	do	10 yrs	2 mths	do	do	do
1836.												
400	Jan. 28	35	Female	do	Unknown.	6 do	do	9 yrs	9 mths	Discharged	do	do
425	April 12	40	do	do	do	6 do	do	9 yrs	7 mths	Recovered	do	do
431	May 3	29	do	do	Ill health.	5 do	do	9 yrs	6 mths	Stationary	Periodical.	do
435	do 6	43	do	Married	do	5 do	do	9 yrs	6 mths	do	do	do

451 June 28	461 Sept. 22	1837.	40	Male	Single	Intemperance, . . .	1 year	The Court	9 yrs	6 mths	Remains	Stationary	Hereditary.
462 Sept. 8	463 Sept. 8	1837.	30	do	do	Masturbation, . . .	10 years	do	9 yrs	2 mths	do	do	do
464 Sept. 8	465 Sept. 8	1837.	62	Female	Widower	Ill health, . . .	6 do	do	8 yrs	9 mths	do	Improved	Suicidal.
466 Sept. 8	467 Sept. 8	1837.	37	do	Single	Domestic affliction, . . .	3 do	do	8 yrs	8 mths	do	do	do
468 Sept. 26	469 Sept. 26	1837.	34	do	do	Disappointed affection, . . .	6 months	do	8 yrs	6 mths	do	do	do
470 Sept. 26	471 Sept. 26	1837.	60	do	do	Do-zease affliction, . . .	10 years	do	8 yrs	3 mths	do	Stationary	Hereditary.
472 Oct. 5	473 Oct. 5	1837.	45	Male	do	Intemperance, . . .	10 do	do	8 yrs	1 mth	do	do	Period.
474 Oct. 5	475 Oct. 5	1837.	37	Female	do	Disappointed affection, . . .	10 do	do	8 yrs	do	do	do	Foreigner.
476 Nov. 4	477 Nov. 4	1837.	33	Male	do	Religious, . . .	2 do	do	8 yrs	do	do	do	do
478 do 23	479 do 23	1837.	61	do	Widower	Domestic affliction, . . .	22 do	do	8 yrs	do	do	do	Homicidal.
480 Dec. 1	481 Dec. 1	1838.											
482 Feb. 15	483 Feb. 15	1838.	20	Female	Single	Unknown, . . .	Unknown	do	7 yrs	9 mths	do	do	Foreigner.
484 Feb. 15	485 Feb. 15	1838.	35	do	do	Intemperance, . . .	20 years	do	7 yrs	9 mths	do	do	do
486 June 24	487 June 24	1838.	31	Male	do	Ill health, . . .	2 do	do	7 yrs	5 mths	do	Improved	do
488 Dec. 27	489 Dec. 27	1838.	24	do	do	Masturbation, . . .	3 do	do	7 yrs	do	do	do	Periodical.
490 March 1	491 March 1	1839.	20	Female	do	Ill health, . . .	2 do	do	6 yrs	9 mths	do	do	do
492 April 17	493 April 17	1839.	54	do	Widow	Domestic affliction, . . .	2 months	do	6 yrs	7 mths	do	Stationary	do
494 June 19	495 June 19	1839.	39	Male	Married	do	5 years	do	6 yrs	7 mths	do	Improved	do
496 June 20	497 June 20	1839.	35	Female	Single	Religious, . . .	1 month	The Friends	6 yrs	5 mths	do	do	do
498 do 22	499 do 22	1839.	29	do	Widow	Domestic affliction, . . .	5 years	The Court	6 yrs	5 mths	do	Stationary	Suicidal.
500 July 1	501 July 1	1839.	29	Female	do	Masturbation, . . .	5 do	do	6 yrs	5 mths	do	Improved	Periodical.
502 July 9	503 July 9	1839.	33	Male	Married	Indulgence of temper, . . .	3 do	do	6 yrs	5 mths	do	Stationary	do
504 Aug. 5	505 Aug. 5	1839.	33	Female	Single	Masturbation, . . .	9 do	do	6 yrs	4 mths	do	do	do
506 Nov. 2	507 Nov. 2	1839.	27	do	do	Unknown, . . .	5 do	do	6 yrs	3 mths	do	do	do
508 March 8	509 March 8	1842.	29	do	do	Disappointed affection, . . .	4 months	do	5 yrs	8 mths	do	Improved	do
510 April 28	511 April 28	1842.	26	Female	do	Ill health, . . .	6 years	do	5 yrs	8 mths	do	Stationary	do
512 April 29	513 April 29	1842.	25	do	do	do	10 do	do	5 yrs	8 mths	do	Improved	do
514 June 11	515 June 11	1842.	45	Male	Single	Exposure to wet, . . .	2 months	do	5 yrs	8 mths	do	do	Hereditary.
516 Aug. 11	517 Aug. 11	1842.	31	Female	do	Religious, . . .	8 do	do	5 yrs	4 mths	do	do	do
518 do 12	519 do 12	1842.	40	do	do	do	8 years	do	5 yrs	4 mths	do	do	do
520 do 13	521 do 13	1842.	49	Male	Married	Intemperance, . . .	Unknown	do	5 yrs	4 mths	do	do	Periodical.
522 do 13	523 do 13	1842.	49	do	do	do	9 years	do	4 yrs	6 mths	do	do	do
524 do 15	525 do 15	1842.	26	do	Married	Periodical, . . .	34 do	do	5 yrs	4 mths	do	do	do
526 do 28	527 do 28	1842.	58	do	Married	Unknown, . . .	2 do	do	5 yrs	3 mths	do	Stationary	do
528 do 28	529 do 28	1842.	44	do	do	do	2 do	do	5 yrs	2 mths	do	do	do
530 Sept. 4	531 Sept. 4	1842.	46	Female	Single	do	20 do	do	5 yrs	2 mths	do	do	do
532 do 19	533 do 19	1842.	45	do	do	do	20 do	do	5 yrs	2 mths	do	do	do
534 Oct. 1	535 Oct. 1	1842.	35	do	do	do	7 do	do	4 yrs	10 mths	Discharged	do	do
536 Oct. 1	537 Oct. 1	1842.	41	Male	Married	Failure in business, . . .	7 do	do					



TABLE—(Continued.)

No.	Time of admission.	Age when admitted	Sex.	Married or single.	Supposed Cause.	Duration before admission	By whom committed.	Time spent in the Hospital.	Discharged or Remaining.	In what state	Hereditary. Suicidal.	Periodical. Homicidal.
1193	Nov. '66	46	Female	Married	Family trouble,	12 years	The Court	5 yrs	Remains	Stationary		
1202	Dec. 17 1841.	55	do	Single	Intemperance,	1 month	do	5 yrs	do	Improved		
1211	Jan. 1.	45	do	Widow	Family trouble,	1 year	The Overseers	4 yrs	do	do		
1226	Feb. 25	53	do	do	Paralysis,	7 years	The Court	4 yrs	do	Stationary		
1238	March 5	33	Male	Single	Unknown,	3 do	do	4 yrs	do	do		
1239	April 3	32	Female	Married	do	5 do	do	4 yrs	do	Improved		
1243	do 10	68	do	Widow	Family trouble,	1 month	The Friends	4 yrs	do	do		
1244	do 10	50	Male	Married	Epilepsy,	20 years	The Court	4 yrs	do	Stationary		
1252	do 19	31	Female	do	Ill health,	7 months	The Friends	4 yrs	do	Improved		
1256	May 18	41	do	do	Unknown,	4 years	The Court	4 yrs	do	do		
127	June 23	42	Male	do	Family trouble,	2 do	do	4 yrs	do	Stationary		
1279	July 1	24	do	Single	Masturbation,	2 do	do	4 yrs	do	do		
1316	Sept. 4	40	Female	Married	do	15 do	do	4 yrs	do	do		
1317	do 11	58	do	Widow	Family trouble,	1 do	do	4 yrs	do	do		
1319	do 13	23	do	Single	do	2 do	do	4 yrs	do	do		
1324	do 22	25	Male	do	Unknown,	1 year	do	4 yrs	do	do		
1326	Oct. 1	26	do	do	Masturbation,	8 years	do	4 yrs	do	do		
1333	do 13	15	Female	do	Ill health,	1 year	do	4 yrs	do	do		
1371	Jan. 1	57	do	do	Parental abuse,	11 years	do	3 yrs	do	do		
1375	do 6	31	Male	do	Unknown,	3 do	do	3 yrs	Discharged	Improved		
1380	do 21	29	do	do	Masturbation,	6 do	do	10 mths	Remains	do		
1397	Feb. 6	34	do	do	Animal Magnetism,	8 do	do	3 yrs	do	Stationary		
1409	do 28	30	do	do	Unknown,	2 do	do	3 yrs	do	do		
1423	March 10	67	do	do	do	30 do	do	3 yrs	do	do		
1455	May 24	22	do	do	Masturbation,	4 do	do	3 yrs	do	do		
1464	June 18	21	do	do	do	6 do	do	3 yrs	do	do		
1465	do 20	42	Female	do	Unknown,	9 do	do	3 yrs	do	Improved		
1470	do 28	18	Male	do	Epilepsy,	5 do	do	3 yrs	do	Stationary		
1474	July 6	65	Female	do	Unknown,	Unknown	do	3 yrs	do	Improved		

1400	14	95	Male	Married	Unknown,	5 months	The Court	3 yrs	4 mths	Remains	Stationary	Hereditary.
1481	do	36	Female	Single	do	13 years	do	3 yrs	4 mths	do	do	do
1484	do	65	Female	do	Ill health,	9 months	do	3 yrs	5 mths	Discharged	do	do
1488	Aug.	46	do	do	Unknown,	12 years	The Friends	3 yrs	4 mths	Remains	do	do
1489	do	46	Male	do	do	25 do	The Court	3 yrs	4 mths	do	do	do
1491	do	35	Female	do	Ill health,	4 do	do	3 yrs	3 mths	Discharged	Recovered	do
1498	Sept.	45	Male	Married	do	3 months	do	3 yrs	3 mths	Remains	Improved	do
1529	Oct.	27	Female	Widow	Loss of husband,	6 do	do	2 yrs	3 mths	Discharged	Recovered	do
1531	do	40	Male	Single	Unknown,	13 years	do	3 yrs	1 mth	do	Stationary	do
1533	do	37	do	do	Masturbation,	5 do	do	3 yrs	1 mth	do	do	do
1546	Nov.	28	Female	Married	Unknown,	3 do	do	3 yrs	1 mth	do	do	do
1550	do	9	do	Single	Masturbation,	31 do	do	3 yrs	do	do	do	do
1555	Dec.	19	Male	do	do	3 months	do	3 yrs	do	do	do	do
1570	do	50	Female	Married	Love affair,	3 years	do	2 yrs	11 mths	do	do	do
1571	do	56	Male	do	Inventious,	10 do	do	2 yrs	11 mths	do	Improved	do
1843.												
1580	Jan.	32	do	Single	Love affair,	2 do	do	2 yrs	10 mths	do	Stationary	do
1583	do	23	do	do	Masturbation,	6 do	do	2 yrs	10 mths	do	do	do
1584	do	17	Female	Widow	Trouble,	4 do	do	2 yrs	7 mths	Discharged	Improved	do
1597	Feb.	13	do	Single	Unknown,	7 do	do	2 yrs	9 mths	Remains	do	do
1598	do	31	do	Married	do	4 do	do	2 yrs	9 mths	do	do	do
1600	do	50	Male	do	Religious,	6 weeks	do	2 yrs	22 mths	Discharged	Recovered	do
1615	March	15	Female	Single	Followed fever,	2 months	do	2 yrs	8 mths	Remains	Improved	do
1617	do	24	Male	do	Epilepsy,	2 years	do	2 yrs	8 mths	do	Stationary	do
1627	April	6	Female	Married	Religious,	2 months	do	2 yrs	8 mths	do	do	do
1638	do	7	do	Widow	Old age,	2 years	do	2 yrs	8 mths	do	do	do
1633	do	80	Male	Married	Wound on the head,	6 do	do	2 yrs	8 mths	do	do	do
1653	May	50	Female	Single	Unknown,	1 year	do	2 yrs	8 mths	do	Improved	do
1675	June	22	Male	do	do	3 years	do	2 yrs	6 mths	do	Stationary	do
1679	do	27	Female	do	do	3 do	do	2 yrs	5 mths	do	do	do
1685	do	31	do	Married	Periodical,	6 months	do	2 yrs	5 mths	do	Improved	do
1696	July	35	do	do	Ill health,	2 years	do	2 yrs	5 mths	do	do	do
1701	do	42	do	do	Unknown,	2 do	do	2 yrs	4 mths	do	do	do
1710	Aug.	34	do	Widow	Loss of husband,	6 do	do	2 yrs	4 mths	do	Stationary	do
1711	do	32	do	Married	Unknown,	3 do	do	2 yrs	4 mths	do	do	do
1744	Sept.	15	Male	Single	do	4 weeks	The Overseers	2 yrs	16 mths	Discharged	Improved	do
1739	do	30	do	do	Masturbation,	7 years	The Court	2 yrs	2 mths	Remains	Stationary	do
1741	do	33	Female	do	Unknown,	5 do	do	2 yrs	2 mths	do	do	do
1756	Oct.	55	do	Widow	Pecuniary trouble,	5 do	do	2 yrs	1 mth	do	Improved	do
1758	do	51	do	do	Periodical,	10 do	do	2 yrs	1 mth	do	Stationary	do
												Hereditary.

TABLE—(Continued.)

No.	Time of admission.	Age when admitted.	Sex.	Married or Single.	Supposed Cause.	Duration before admission.	By whom committed.	Time spent in the Hospital.	Discharged or Remaining.	In what state.	Hereditary. Suicidal.	Periodical. Homicidal.
1767	1843. Nov.	50	Female	Widow	Unknown, . . .	1 year	The Court	2 yrs. 1 mth	Remains	Stationary		
1769	do 11	21	do	Single	Ill health, . . .	6 months	do	2 years	do	Improved		Periodical.
1771	do 14	40	Male	do	Unknown, . . .	2 weeks	do	2 do	do	Stationary		
1772	do 15	29	do	do	Masturbation, . . .	7 years	do	2 do	do	do		do
1777	do 20	60	do	Married	Pecuniary embarrassm't, . . .	15 do	do	2 do	do	do		do
1778	Dec.	51	do	do	Periodical, . . .	20 do	The Overseers	2 do	do	do		Hereditary.
1784	do 6	31	do	Single	Epilepsy, . . .	10 do	The Court	12 months	Discharged	do		
1786	do 11	35	do	do	Unknown, . . .	2 do	The Overseers	23 do	Remains	Improved		
1800	1844. Jan.	6	Female	do	Ill health, . . .	3 do	The Court	16 do	Discharged	do		do
1802	do 9	30	Male	do	Unknown, . . .	5 do	do	23 do	Remains	do		
1803	do 9	39	do	do	Love affair, . . .	15 do	do	20 do	Discharged	do		Periodical.
1804	do 9	22	do	do	Unknown, . . .	3 do	do	23 do	Remains	do		Hereditary.
1807	do 15	23	do	Married	Domestic trouble, . . .	4 do	do	23 do	do	do		do
1815	do 24	25	Female	Single	Rheumatism, . . .	4 weeks	The Overseers	23 do	do	do		Periodical.
1816	do 26	30	do	Married	Puerperal, . . .	2 do	The Court	22 do	do	do		Hereditary.
1820	Feb.	13	Male	Single	Masturbation, . . .	2 do	The Overseers	18 do	Discharged	Stationary		Periodical.
1821	do 10	30	do	do	Unknown, . . .	Unknown	The Court	21 do	Remains	do		Hereditary.
1822	do 19	19	Female	do	Followed fever, . . .	3 months	The Overseers	10 do	Discharged	do		
1826	do 21	19	Male	do	Epilepsy, . . .	Unknown	The Court	15 do	Died	do		do
1834	March	40	Female	do	Periodical, . . .	3 months	do	20 do	Remains	Improved		do
1836	do 19	42	Male	Married	Religious, . . .	3 years	The Friends	20 do	Died	Stationary		do
1841	do 23	25	do	Single	Unknown, . . .	5 do	The Court	20 do	Remains	do		do
1842	do 26	19	do	do	Loss of father, . . .	6 months	do	13 do	Discharged	do		do
1843	do 23	63	Female	Widow	Ill health, . . .	5 years	The Friends	11 do	do	Recovered		do
1846	April	7	Male	Married	Religious, . . .	1 year	The Court	19 do	Remains	Stationary		
1847	do 8	26	do	Single	Masturbation, . . .	1 do	do	18 do	Died	do		
1849	do 11	53	do	do	Intemperance, . . .	2 months	do	9 do	Discharged	Recovered		Periodical.
1850	do 12	64	do	Married	do	4 years	do	20 do	Remains	Improved		Hereditary.
1852	do 15	25	do	Single	Unknown, . . .	4 months	do	20 do	do	Stationary		
1863	do 15	45	do	Married	Intemperance, . . .	2 years	do	20 do	do	do		



TABLE—(Continued.)

No.	Time of admission.	Age when admitted.	Sex.	Married or single.	Supposed Cause.	Duration before admission.	By whom committed.	Time spent in the Hospital.	Discharged or Remains.	In what state.	Hereditary. Suicidal.	Periodical. Homicidal.
1943	Aug. 1844.	18	Male	Single	Exposure to cold,	1 week	The Friends	4 months	Discharged	Recovered		
1944	do 12	38	Female	Married	Puerperal, . . .	4 months	do	5 do	do	Improved		
1945	do 12	32	Female	do	Religious, . . .	3 weeks	The Court	4 do	do	Recovered		
1946	do 13	42	do	Single	Unknown, . . .	2 years	do	9 do	Died	Stationary		
1948	do 15	53	do	Married	Religious, . . .	3 months	do	15 do	Remains	Improved		
1949	do 21	43	Female	Single	Ill health, . . .	4 do	do	15 do	do	do		
1951	do 2	19	do	do	Followed fever, . . .	1 week	do	6 do	Discharged	Recovered		
1952	do 22	30	Male	Married	Unknown, . . .	2 years	do	10 do	do	do		
1953	do 23	25	Female	do	Ill health, . . .	4 months	The Friends	4 do	do	do		
1954	do 23	39	Male	do	Family trouble, . . .	3 do	The Court	15 do	Remains	Stationary		
1955	do 27	38	Female	do	Unknown, . . .	6 years	do	15 do	do	do		
1956	do 28	35	Male	do	do	4 do	do	5 do	Discharged	Improved		
1957	do 29	16	do	Single	do	2 months	do	4 do	do	Recovered		
1958	do 31	36	Female	Married	Ill health, . . .	4 weeks	do	5 do	do	do		
1960	Sept. 4	54	do	do	Unknown, . . .	1 week	do	13 do	do	do		
1961	do 5	21	Male	Single	do	1 year	do	8 do	do	Improved	Hereditary.	
1962	do 6	48	do	do	Brain fever, . . .	10 months	The Friends	11 do	do	do	do	
1963	do 6	49	Female	Married	Ill health, . . .	6 weeks	do	8 do	do	Recovered	do	
1964	do 6	50	do	Widow	do	3 months	The Overseers	6 do	do	Improved	do	
1965	do 6	43	Male	Married	do	2 years	The Friends	5 do	do	Stationary		
1967	do 9	40	do	do	Trouble, . . .	Unknown	The Court	14 do	Remains	do		
1968	do 9	33	do	Single	Unknown, . . .	do	do	13 do	Discharged	Recovered		
1969	do 9	20	do	do	Masturbation, . . .	1 year	do	14 do	Remains	Improved		
1970	do 9	32	do	do	Religious, . . .	1 do	do	14 do	do	Stationary		
1972	do 17	58	Female	do	Ill health, . . .	1 do	The Overseers	4 do	Discharged	Recovered		
1973	do 17	25	do	Married	Puerperal, . . .	2 weeks	The Friends	5 do	do	Improved		
1974	do 21	55	do	Single	Ill health, . . .	2 do	The Court	14 do	Remains	do		
1976	do 24	27	do	Married	Epilepsy, . . .	5 years	do	4 do	Discharged	do		
1977	do 25	28	do	do	Jealousy, . . .	2 do	The Friends	9 do	do	do		
1978	do 28	24	do	Single	Ill health, . . .	1 year	do	3 do	do	do		
1979	do 28	30	do	do	Unknown, . . .	6 years	The Court	12 do	Died	Stationary		



TABLE—(Continued.)

No.	Time of admission.	Age when admitted.	Sex.	Married or Single.	Supposed Cause.	Duration before admission.	By whom committed.	Time spent in the Hospital.	Discharged or Remains.	In what state.	Hereditary. Suicidal.	Periodical. Homicidal.
1844.												
2021	Dec. 9	40	Male	Married	Intemperance,	18 months	The Court	5 months	Discharged	Recovered	Hereditary.	
2022	do 9	24	Female	Single	Religious,	3 do	do	11 do	do	do	do	
2023	do 10	57	do	Married	Trouble,	4 do	do	23 days	Died	Stationary	do	
2024	do 11	16	do	Single	Followed fever,	4 weeks	do	12 months	Remains	Improved	do	
2025	do 11	38	do	Married	Unknown,	10 years	do	7 do	Discharged	Stationary	Periodical.	
2026	do 13	51	do	Single	Trouble,	3 months	do	13 do	Remains	Improved	do	
2027	do 17	45	Male	do	Unknown,	Unknown	do	6 do	Discharged	do	do	
2028	do 17	70	Female	Widow	Anxiety for sick child,	3 months	do	12 do	Remains	Stationary	do	
2029	do 17	15	do	Single	Unknown,	13 years	do	12 do	do	do	do	
2030	do 17	35	Male	do	Intemperance,	12 do	do	12 do	do	Stationary	do	
2031	do 17	30	do	do	Masturbation,	10 do	do	12 do	do	do	do	
2032	do 20	24	do	do	do	Unknown	do	12 do	do	Improved	do	
2033	do 20	33	do	Married	Loss of property,	4 months	do	7 days	Died	Stationary	do	
2034	do 21	33	do	Single	Unknown,	3 do	do	7 do	do	do	do	
2035	do 23	25	do	Married	Religious,	2 weeks	do	4 months	Discharged	Recovered	Hereditary.	
2036	do 26	37	do	Single	Intemperance,	4 months	do	5 do	do	do	Hereditary.	
2037	do 26	19	do	do	Masturbation,	1 week	do	5 do	do	do	Periodical.	
2038	do 26	31	do	do	do	3 years	do	11 do	Remains	Stationary	do	
2039	do 31	40	do	Married	Unknown,	1 year	do	11 do	do	Improved	do	
2040	do 31	48	do	do	Intemperance,	10 years	do	3 do	Discharged	Recovered	Periodical.	
1845.												
2041	Jan. 2	55	Female	Single	Trouble,	1 year	do	9 days	Died	Stationary	Periodical.	
2042	do 3	35	Male	Married	Masturbation,	2 years	do	6 weeks	Discharged	Recovered	Hereditary.	
2043	do 7	37	Female	do	Trouble,	2 weeks	The Friends	6 months	do	do	do	
2044	do 7	23	Male	do	Religious,	5 months	The Court	6 do	do	do	do	
2045	do 7	26	Female	Single	Jealousy,	1 year	do	11 do	Remains	Improved	do	
2046	do 8	29	Male	do	Unknown,	3 years	do	11 do	do	Stationary	do	
2047	do 8	21	do	do	Masturbation,	6 do	do	11 do	do	do	do	
2048	do 9	29	do	do	do	4 months	The Friends	12 do	do	Improved	do	
2049	do 14	50	do	Widower	Unknown,	6 weeks	The Court	6 do	Discharged	Recovered	Periodical.	
2050	do 17	25	do	Single	do	2 do	The Friends	3 do	do	do	do	
2051	do 17	30	Female	Married	do	3 months	The Court	4 do	do	do	do	

2029 Jan.	18	40	Female	Married	Unknown, i	10 years	The Court	10 months	Remains	Stationary	Periodical.
2053 do	20	40	Male	do	Intemperance,	6 weeks	do	10 do	do	do	do
2054 do	20	35	do	Single	Unknown,	4 do	The Overseers	7 do	Discharged	Recovered	do
2055 do	23	38	do	do	Trouble,	18 months	The Friends	10 do	Remains	Improved	do
2056 do	24	23	do	do	Masturbation,	1 year	The Overseers	9 do	Discharged	do	do
2057 do	25	49	Female	do	do	1 week	The Friends	5 do	do	Recovered	do
2058 do	27	22	Male	do	Epilepsy,	6 weeks	The Court	10 do	Remains	Stationary	do
2059 do	27	64	Female	Widow	Property,	8 weeks	The Friends	10 weeks	Discharged	Recovered	do
2060 Feb.	8	30	Male	Single	Unknown,	6 months	The Court	9 months	Remains	Stationary	do
2061 do	8	77	Female	Widow	do	12 years	The Court	9 do	Died	do	do
2062 do	11	40	do	Married	Puerperal,	Unknown	do	9 do	Remains	do	do
2063 do	11	24	Male	Single	Religious,	4 weeks	The Friends	9 do	Discharged	Recovered	do
2064 do	14	52	do	Married	Family trouble,	4 years	The Court	9 do	Remains	Stationary	do
2065 do	14	22	Female	Single	Pecuniary,	4 weeks	The Friends	6 do	Discharged	Recovered	do
2066 do	15	48	Male	Married	Paralysis,	3 years	The Court	9 do	Remains	Stationary	do
2067 do	17	30	do	Single	Masturbation,	4 do	do	9 do	do	do	do
2068 do	21	23	do	do	do	2 do	do	9 do	do	do	do
2069 do	25	45	do	do	Intemperance,	6 weeks	The Overseers	9 do	do	Improved	do
2070 do	25	42	Female	do	Unknown,	1 do	The Friends	4 do	Discharged	Recovered	do
2071 do	26	80	do	Widow	Wound on the head,	4 months	The Court	9 do	Remains	Improved	do
2072 do	26	37	Male	Single	Unknown,	18 years	The Friends	4 do	Discharged	Recovered	do
2073 do	27	50	do	Married	Intemperance,	3 months	The Court	9 do	Remains	Improved	do
2074 do	27	57	do	do	Perplexity in business,	6 do	The Friends	2 do	Discharged	do	do
2075 March	1	58	do	do	Pecuniary trouble,	8 do	do	6 do	do	Recovered	do
2076 do	3	55	do	do	Trouble,	18 do	do	10 weeks	do	Improved	do
2077 do	6	25	Female	do	Puerperal,	5 days	The Court	2 months	do	Recovered	do
2078 do	6	36	Male	do	Masturbation,	3 months	do	9 do	do	Improved	do
2079 do	6	45	Female	Single	Pecuniary,	3 do	The Friends	9 do	do	Stationary	do
2080 do	7	30	do	Married	Unknown,	1 week	The Court	4 do	Discharged	Recovered	do
2081 do	7	31	do	do	Religious,	4 months	The Friends	4 do	do	Improved	do
2082 do	8	37	Male	Single	do	1 year	The Court	10 weeks	do	Recovered	do
2083 do	8	34	do	do	Hard study,	1 do	do	9 months	Remains	Stationary	do
2084 do	8	37	Female	do	Unknown,	2 years	do	6 do	Discharged	Recovered	do
2085 do	12	38	do	do	do	15 do	do	6 do	do	do	do
2086 do	13	40	Male	do	Ill health,	1 year	The Friends	7 do	do	do	do
2087 do	13	19	Female	do	do	3 weeks	do	2 do	do	do	do
2088 do	14	44	Male	Married	Religious,	6 months	The Court	8 do	Remains	Stationary	do
2089 do	17	55	do	Widow	Intemperance,	1 year	do	5 do	Discharged	Improved	do
2090 do	17	54	Female	Widow	Trouble,	Unknown	The Overseers	4 do	do	Stationary	do
2091 do	18	45	Female	Single	Unknown,	4 years	The Court	8 do	Remains	Improved	do
2092 do	19	20	Female	do	do	do	do	do	do	do	do



TABLE—(Continued.)

No.	Time of admission.	Age when admitted.	Sex.	Married or single.	Supposed Cause.	Duration before admission.	By whom committed.	Time spent in the Hospital.	Discharged or Remaining.	In what state.	Hereditary. Suicidal.	Periodical. Homicidal.
2092	1845. March 19	59	Male	Married	Pecuniary, . . .	1 month	The Friends	5 months	Died	Stationary		
2093	do 20	58	Female	do	Jealousy, . . .	12 years	do	8 do	Remains	Improved		
2094	do 24	33	Male	Widower	Loss of property, . .	Unknown	The Court	1 month	Discharged	Recovered		
2095	do 24	19	Female	Married	Domestic affliction, . .	1 year	The Friends	8 months	do	do		
2096	do 25	31	do	Single	Followed fever, . . .	12 years	The Court	8 do	Remains	Stationary	Hereditary.	
2097	do 29	32	do	Married	do	3 months	The Friends	8 do	do	Improved	Periodical.	
2098	do 29	55	Male	do	Intemperance, . . .	3 years	The Court	4 do	Discharged	Recovered		
2099	do 30	55	do	do	do	8 months	do	7 do	do	do		
2100	April 3	60	Female	do	Ill health, . . .	2 years	do	6 do	do	do		
2101	do 8	51	do	do	Followed fever, . . .	1 year	The Friends	7 weeks	do	Stationary		
2102	do 8	40	Male	do	Religious, . . .	4 weeks	The Court	6 do	do	Recovered		
2103	do 10	50	Female	do	Ill health, . . .	8 do	do	8 months	Remains	Stationary		
2104	do 11	64	do	Widow	Unknown, . . .	8 months	do	do	do	do		
2105	do 11	52	do	Married	Over exertion, . . .	3 do	The Friends	13 weeks	Discharged	Improved		
2106	do 11	40	do	Single	Religious, . . .	2 do	do	4 do	do	Recovered		
2107	do 11	40	Male	do	Love affair, . . .	2 years	The Court	8 months	Remains	Stationary	Hereditary.	
2108	do 14	55	Female	Married	Unknown, . . .	14 do	The Friends	8 do	do	do	Periodical.	
2109	do 14	55	do	do	Intemperance, . . .	7 weeks	The Court	3 do	Discharged	Recovered	do	
2110	do 15	54	Female	Single	Unknown, . . .	2 do	do	6 do	do	do	do	
2111	do 16	32	do	Married	Puerperal, . . .	1 year	The Friends	6 do	do	do	do	
2112	do 18	48	do	do	Unknown, . . .	20 years	The Court	8 do	Remains	Stationary		
2113	do 22	25	do	Single	Domestic affliction, . .	2 months	do	8 do	do	Improved		
2114	do 22	37	Male	Married	Unknown, . . .	2 do	The Friends	8 do	do	Stationary	Hereditary.	
2115	do 22	72	do	do	do	2 do	The Court	8 do	do	do		
2116	do 23	35	do	do	Intemperance, . . .	3 do	do	8 do	do	Improved	do	
2117	do 23	92	Female	do	Puerperal, . . .	2 weeks	The Friends	6 do	Discharged	Recovered		
2118	do 24	65	do	do	Unknown, . . .	2 years	do	3 do	do	Stationary		
2119	do 24	30	Male	Single	Nuturbarion, . . .	3 do	The Court	8 do	Remains	Improved		
2120	do 25	50	do	Married	Intemperance, . . .	1 year	do	8 do	do	Stationary		
2121	do 25	55	do	do	do	1 week	do	6 do	Died	do	Periodical.	
2122	do 25	48	do	Single	Followed fever, . . .	20 years	do	8 do	Remains	do	do	



TABLE—(Continued.)

No.	Time of admission.	Age when admitted.	Sex.	Married or single.	Supposed Cause.	Duration before admission.	By whom committed.	Time spent in the Hospital.	Discharged or Remaining.	In what state.	Hereditary. Suicidal.	Periodical. Homicidal.
1845.												
2163	June 13	30	Male	Single	Masturbation, . . .	2 years	The Court	6 months	Remains	Stationary	Periodical.	
2164	do 13	22	do	do	Unknown, . . .	1 year	do	6 do	do	do	do	
2165	do 14	19	Female	do	Exposure to cold & wet, . . .	1 do	do	6 do	do	Improved	do	Hereditary.
2166	do 16	75	Female	do	Unknown, . . .	9 months	do	6 do	do	Stationary	do	
2167	do 16	27	Male	do	Intemperance, . . .	2 do	do	4 do	Discharged	Recovered		
2168	do 17	42	do	Married	Pressure of business, . . .	4 weeks	The Friends	5 do	do	Improved	Hereditary.	
2169	do 17	19	do	do	Masturbation, . . .	8 months	The Court	5 do	Remains	do		
2170	do 17	36	Female	Single	Indulgence of temper, . . .	3 years	The Overseers	5 do	do	Stationary		
2171	do 21	30	Male	Single	Trouble, . . .	3 months	The Court	5 do	Discharged	Recovered		
2172	do 24	64	Female	Widow	Domestic affliction, . . .	6 weeks	do	5 do	Remains	Improved		
2173	do 25	19	do	Single	Family trouble, . . .	8 months	The Friends	5 do	do	do		
2174	do 26	18	do	do	Unknown, . . .	7 do	The Court	10 weeks	Discharged	Recovered		
2175	do 27	45	Male	do	do	10 years	The Overseers	5 months	Remains	Stationary	do	Periodical.
2176	do 27	76	Female	Widow	do	8 months	The Friends	2 do	Discharged	Recovered	do	do
2177	do 30	46	Male	Married	do	1 month	The Court	5 do	do	Improved	do	do
2178	July 5	76	Female	Single	Trouble, . . .	3 months	The Friends	10 weeks	do	Improved		
2179	do 7	48	Male	Married	Masturbation, . . .	1 month	The Court	5 months	Discharged	Recovered		
2180	do 8	27	do	Single	Intemperance, . . .	2 years	do	5 do	Remains	Stationary		
2181	do 8	38	Female	Married	Loss of a child, . . .	9 months	The Friends	5 do	do	Improved		
2182	do 8	10	do	Single	Epilepsy, . . .	18 do	The Court	5 do	do	do		
2183	do 8	24	Male	do	Unknown, . . .	4 do	The Friends	5 do	do	Stationary		
2184	do 9	22	do	Married	Pecuniary, . . .	4 do	do	5 do	do	Improved	do	do
2185	do 9	39	do	do	Intemperance, . . .	1 week	The Court	8 days	Died	do		
2186	do 10	46	do	do	Exposure to the sun, . . .	2 months	do	5 months	Remains	Improved		
2187	do 11	16	Female	do	Unknown, . . .	4 weeks	do	4 do	Discharged	Recovered	Periodical.	
2188	do 12	25	Male	Single	do	2 months	do	5 do	Remains	Improved		
2189	do 12	64	do	do	Perplexity in business, . . .	3 do	The Friends	4 do	Discharged	Recovered	Hereditary.	
2190	do 15	54	do	do	Paralysis, . . .	4 years	do	5 do	Remains	Stationary		
2191	do 16	57	do	Married	Unknown, . . .	17 do	The Court	5 do	do	do	Periodical.	
2192	do 17	23	Female	Single	Love and religion, . . .	2 do	do	5 do	do	Improved	do	
2193	do 17	23	do	do	Unknown, . . .	1 year	do	5 do	do	do	do	
2194	do 17	23	do	do	do	3 months	do	5 do	do	do	do	

[illegible]

TABLE—(Continued.)

No.	Time of admission	Age when admitted	Sex.	Married or single.	Supposed Cause.	Duration before admission.	By whom committed.	Time spent in Hospital.	Discharged or Remaining.	In what state.	Hereditary. Suicidal.	Periodical. Homicidal.
2224	Sept. 13	40	Female	Single	Unknown,	6 years	The Friends	3 months	Remains	Stationary	Hereditary.	
2225	do 15	48	Female	Widow	Ill health,	4 months	do	3 do	do	do		
2226	do 16	33	Male	Single	do	6 do	do	3 do	Improved	do		
2227	do 17	57	do	Widower	Pecuniary,	6 years	do	6 weeks	Discharged	Recovered		
2228	do 19	28	do	Single	Epilepsy,	2 weeks	The Court	10 do	Remains	Improved		
2229	do 20	50	do	Married	Trouble,	2 do	The Friends	10 do	do	do		
2230	do 25	21	Female	Single	Religious,	18 months	do	9 do	do	do		
2231	do 25	61	Male	do	Intemperance,	2 do	The Overseers	9 do	do	Stationary	Periodical.	
2232	do 25	25	Female	do	Unknown,	4 years	do	9 do	do	do	do	
2233	do 27	60	do	do	do	3 do	The Friends	9 do	do	do		
2234	do 29	51	do	Married	Jealousy,	1 year	do	9 do	do	do		
2235	do 30	50	do	do	do	2 weeks	do	2 days	Died	do		
2236	do 30	54	do	do	do	6 do	The Court	8 weeks	Remains	Improved		
2237	do 30	21	Male	do	Perplexity in business,	6 months	The Overseers	8 do	do	Stationary	Hereditary.	
2238	Oct. 1	25	Female	do	Unknown,	3 years	The Court	8 do	do	Improved	Periodical.	
2239	do 1	36	do	Married	Paralysis,	2 months	The Friends	8 do	do	do		
2240	do 2	32	Male	Single	Unknown,	4 years	The Court	8 do	do	Stationary		
2241	do 2	40	Female	Married	do	2 months	do	8 do	do	Improved		
2242	do 2	68	do	Widow	do	4 do	The Friends	8 do	do	Stationary	Hereditary.	
2243	do 4	67	Male	Single	Paralysis,	1 year	The Court	8 do	do	do		
2244	do 6	20	Female	Married	Puerperal,	5 weeks	do	8 do	do	Improved		
2245	do 6	24	Male	Single	Wound on the head,	1 year	do	8 do	do	do		
2246	do 7	34	do	do	Religious,	6 months	do	7 do	do	Stationary		
2247	do 9	13	Female	do	Epilepsy,	12 years	The Friends	7 do	do	do		
2248	do 9	69	Male	Married	Family trouble,	7 do	The Overseers	7 do	do	Improved		
2249	do 9	23	Female	Single	Unknown,	1 year	The Friends	7 do	do	do		
2250	do 9	31	do	do	Wound on the head,	3 years	do	6 do	Discharged	Stationary	Periodical.	
2251	do 13	24	do	do	Followed lever,	10 months	The Court	6 do	Remains	do	do	
2252	do 13	38	do	Married	Puerperal,	4 weeks	do	6 do	do	Improved		
2253	do 14	23	Male	Single	Masturbation,	3 do	The Overseers	6 do	do	Stationary		
2254	do 14	23	do	do	Unknown,	Unknown	The Friends	6 do	do	do		
2255	do 14	30	Female	do	do	14 months	The Overseers	6 do	do	do		

2866	Oct.	14	37	Female	Single	Love affair,	8 months	The Friends	6 weeks	Remains	Stationary	Periodical.
2867	do	15	34	do	Married	Trouble,	2 weeks	do	6 do	do	Improved	do
2868	do	18	50	Male	Widower	Periodical,	1 year	The Court	9 days	Died	Stationary	do
2869	do	18	45	do	Married	Failure in business,	1 do	do	6 weeks	Remains	Improved	do
2870	do	20	25	Female	Single	Unknown,	1 do	The Overseers	6 do	do	Stationary	Hereditary.
2871	do	23	60	do	Married	Pecuniary,	6 months	The Friends	5 do	do	Improved	do
2872	do	24	41	do	Single	Periodical,	1 week	do	5 do	do	do	Periodical.
2873	do	25	40	Male	Married	Intemperance,	1 year	The Court	5 do	do	Stationary	do
2874	do	27	20	do	Single	Unknown,	15 months	The Friends	5 do	do	Improved	do
2875	do	28	41	do	Married	do	1 week	The Court	4 do	do	do	do
2876	do	31	23	Female	do	Epilepsy,	3 years	The Friends	4 do	do	do	do
2877	do	31	34	do	Married	Jealousy,	3 do	The Court	4 do	do	do	do
2878	Nov.	1	68	Female	do	Paralysis,	6 weeks	The Friends	18 days	Discharged	Stationary	Hereditary.
2879	do	2	21	Male	Single	Periodical,	3 months	do	4 weeks	Remains	Improved	Hereditary.
2880	do	3	30	do	do	Unknown,	5 years	The Court	4 do	do	Stationary	do
2881	do	3	24	Female	do	Periodical,	4 months	do	4 do	do	Improved	do
2882	do	4	21	do	do	Epilepsy,	2 months	The Friends	4 do	do	Stationary	do
2883	do	5	18	do	do	Followed cold,	Unknown	The Court	4 do	do	do	do
2884	do	5	18	Male	do	Unknown,	3 months	The Friends	4 do	do	do	do
2885	do	5	79	Female	Widow	Ill health,	4 years	do	4 do	do	Improved	do
2886	do	5	32	do	Single	do	8 months	The Overseers	4 do	do	do	do
2887	do	5	23	Male	do	Property,	3 do	The Friends	4 do	do	Stationary,	do
2888	do	6	17	Female	do	Anxiety of mind,	16 do	do	3 do	do	Improved	do
2889	do	8	29	Male	do	Unknown,	2 years	The Court	3 do	do	do	do
2890	do	8	27	Female	do	do	1 week	do	3 do	do	do	do
2891	do	8	45	Male	Married	Pecuniary loss,	2 years	The Friends	3 do	do	Stationary	Periodical.
2892	do	12	23	do	do	Maturation,	Unknown	The Court	3 do	do	Improved	do
2893	do	12	25	Female	do	Unknown,	2 weeks	do	9 days	Died	Stationary	do
2894	do	14	60	Male	do	Pecuniary,	6 months	do	2 weeks	Remains	Improved	do
2895	do	15	30	Female	do	Unknown,	3 years	do	2 do	do	Stationary	do
2896	do	15	24	Male	do	do	6 months	do	2 do	do	Improved	do
2897	do	15	50	Female	Widow	Intemperance,	1 do	do	2 do	do	do	do
2898	do	15	25	Male	do	Unknown,	6 do	do	2 do	do	do	do
2899	do	17	60	do	Married	Paralysis,	1 week	The Friends	12 days	do	do	do
2900	do	18	55	do	do	Pecuniary trouble,	18 months	do	11 do	do	do	do
2901	do	19	27	Female	Single	Unknown,	3 do	do	11 do	do	do	do
2902	do	19	35	do	do	do	3 do	The Court	10 do	do	do	do
2903	do	20	32	Male	Married	do	10 years	do	8 do	do	do	do
2904	do	22	35	Female	Single	Maturation,	5 do	do	4 do	do	do	do
2905	do	25	35	Male	do	Unknown,	4 months	The Friends	1 day	do	do	do
2906	do	30	25	do	do	do	do	do	do	do	do	do

TABLE 1.

*Showing the Committals from each County in the State, the present and previous years.*

			1845.	Previously.	Total.
Barnstable, . . .	Males, . . .		2		
	Females, . . .		10	41	53
Berkshire, . . .	Males, . . .		6		
	Females, . . .		4	62	72
Bristol, . . .	Males, . . .		17		
	Females, . . .		8	124	149
Dukes, . . .	Males, . . .		0		
	Females, . . .		0	6	6
Essex, . . .	Males, . . .		23		
	Females, . . .		18	269	310
Franklin, . . .	Males, . . .		2		
	Females, . . .		0	69	71
Hampden, . . .	Males, . . .		4		
	Females, . . .		6	86	96
Hampshire, . . .	Males, . . .		9		
	Females, . . .		3	113	125
Middlesex, . . .	Males, . . .		16		
	Females, . . .		19	224	259
Nantucket, . . .	Males, . . .		4		
	Females, . . .		1	14	19
Norfolk, . . .	Males, . . .		30		
	Females, . . .		13	204	247
Plymouth, . . .	Males, . . .		11		
	Females, . . .		1	85	97
Suffolk, . . .	Males, . . .		11		
	Females, . . .		11	210	232
Worcester, . . .	Males, . . .		29		
	Females, . . .		32	500	561
Private boarders, . . .			3	6	9
			293	2013	2306

TABLE 2.

*Showing the number of Admissions, and the state of the Hospital, from  
December 1st, 1844, to November 30, 1845.*

<b>Patients in the Hospital in the course of the year,</b>		<b>556</b>
Males, . . . . .	292	
Females, . . . . .	264—556	
<b>At the commencement of the year,</b>		<b>263</b>
Males, . . . . .	128	
Females, . . . . .	135—263	
<b>Admitted in the course of the year,</b>		<b>293</b>
Males, . . . . .	164	
Females, . . . . .	129—293	
<b>Remain at the end of the year,</b>		<b>360</b>
Males, . . . . .	192	
Females, . . . . .	168—360	
<b>Patients admitted, . . . . . 293</b>		
Males, . . . . . 164		
Females, . . . . . 129—293		
<b>Cases of duration less than one year, . . . . . 156</b>		
Males, . . . . . 81		
Females, . . . . . 75—156		
<b>Cases of longer duration than one year, . . . . . 137</b>		
Males, . . . . . 83		
Females, . . . . . 54—137		
<b>Cases committed by the Courts, . . . . . 167</b>		
<b>By the Overseers, . . . . . 21</b>		
<b>Private boarders, . . . . . 105—293</b>		
<b>Foreigners now in the Hospital, . . . . . 57</b>		
Males, . . . . . 24		
Females, . . . . . 33—57		
<b>Patients now in the Hospital, . . . . . 360</b>		
Males, . . . . . 192		
Females, . . . . . 168—360		
<b>Cases of duration less than one year, . . . . . 63</b>		
Males, . . . . . 33		
Females, . . . . . 30—63		
<b>Cases of longer duration than one year, . . . . . 297</b>		
Males, . . . . . 159		
Females, . . . . . 138—297		
<b>Foreigners discharged the last year, . . . . . 18</b>		
Males, . . . . . 13		
Females, . . . . . 5—18		

Since the completion of our new apartments, the number of patients has greatly increased. The number of residents is greater by 65, than it was last year, and nearly 100 greater than it was the year before. The number admitted has been very great. The number of discharges



has been less than last year. Having had an abundance of room, we have not been obliged to send away harmless and incurable or dangerous patients to jails and houses of correction, to make room for such as are sent by a legal process. For the same reason, we have kept no account of applications for admission; all proper subjects who have applied for admission have been received. There have been numerous applications from abroad that have not been received, being prohibited by the regulation which rejects all who have not a residence in this Commonwealth.

The statistical year closed in 1844, with more than thirty patients beyond the extent of our accommodations. When the new apartments were finished, these patients were here to fill them, and it was not till mid-summer when all the new apartments were in readiness that we could say we were not full. Mid-summer again will hardly fail to find us again full, and we fear under the necessity of rejecting applications or sending the incurable insane into receptacles unfit for their residence, and which will be more disagreeable from the contrast with the better quarters here provided.

TABLE 3.

*Showing the number of Discharges and Deaths, and the condition of those who have left the Hospital, from Dec. 1st, 1844, to Nov. 1st, 1845.*

	No. of each Sex.	Recovered.	Improved.	Incurable & Harmless.	Incurable & Dangerous.	Died.	Total.
Patients discharged, . . . 196							
Males, . . .	100	64	11	5	5	15	100
Females, . . .	96	58	14	15	0	9	96
	196	122	25	20	5	24	196
Patients discharged whose insanity was of less du- ration than one year, . . . 104							
Males, . . .	57	49	1	0	1	6	57
Females, . . .	47	44	1	0	0	2	47
	104	93	2	0	1	8	104
Patients discharged whose insanity was of longer duration than one year, . . . 92							
Males, . . .	43	15	10	5	4	9	43
Females, . . .	49	14	13	15	0	7	49
	92	29	23	20	4	16	92

The number of patients discharged the past year, has been less than usual. This has arisen from the fact, that after February the new wings were so far completed as to receive all patients whom the friends wished to remain, which prevented the necessity of discharging, as in former years. It has been as gratifying as desirable, to be able to find accommodations in the Hospital for all the proper subjects of it who desired a residence here. This can hardly be expected another year, if the proportion of admissions of old and incurable cases be as great as formerly.

The State of Massachusetts should not be satisfied till her citizens be fully provided with accommodations for the insane. It is not sufficient that the poor be provided for. The day is probably past when private charity will be extensively relied upon to erect Hospitals. The Commonwealth has taken the business into her own hands, and should not be satisfied till suitable provision shall be made for all who may need a Hospital for the cure of insanity, or an Asylum for custody and comfort. The middle and poorer classes of society need this aid from the government, and when one of their number is attacked with this disease, they look to a public institution for relief, where the necessary aid can be found at a moderate price. Such institutions should be found in this State, and they should never be so crowded that any individual need be rejected for want of room.

There is in this State a large class of very worthy citizens, who, by industry and frugality, are enabled to live comfortably while their families are in health, and who spurn the idea of becoming a public charge; but when one of their number becomes insane, and requires the care of others, thus suspending the efforts by which they earn their daily bread, they almost immediately require aid, and hail with gladness such arrangements in a Hospital as will afford the best possible care of their friends at a moderate charge, thus enabling them to earn instead of expending, and saving them the mortification of applying for public assistance. Much as the insane poor need the establishment of institutions of benevolence to aid them in their suffering, this much larger class have the strongest claim upon the public. It is more desirable to prevent than to relieve pauperism; and aid afforded to such individuals in this indirect way, does not subject them to the feeling or the imputation of paupers; they pay a moderate weekly charge for the support of their friends, and feel grateful to the Commonwealth for the liberal provision made to their benefit.

Insane Hospitals should be considered charities, and should be made

such, or the benefit to be derived from them must be limited in extent and not reach a large majority of the community who most need the aid which they afford. The wealthy can always be provided for; money will command all the appliances within the reach of the sufferer, but those in moderate circumstances gladly avail themselves of these public charities.

TABLE 4.

*Showing the number of Admissions and Discharges, and the average number of Patients, each month in the year.*

Monthly Average.					Admissions.	Discharges.
December,	.	.	.	270 1-2	27	16
January,	.	.	.	276 1-3	19	13
February,	.	.	.	279 1-2	15	15
March,	.	.	.	289 2-3	25	6
April,	.	.	.	305	27	11
May,	.	.	.	319 1-2	28	19
June,	.	.	.	327	23	16
July,	.	.	.	337	25	17
August,	.	.	.	337	20	20
September,	.	.	.	340	25	21
October,	.	.	.	350 2-3	30	19
November,	.	.	.	355 2-3	29	23
Yearly average,					293	196

During the last sixty days, there have been admitted to the Hospital, fifty-nine patients, and, for the last year, the average has been nearly one for every business day in the year. The condition of a Hospital that has so many changes, is almost necessarily less quiet than one that has a great number of stationary residents. This difficulty is nearly counterbalanced, however, by the advantages of classification. The statistical year of the Hospital closes with 97 more patients than last year.

TABLE 5.

*Showing the number of Residents, the average number of Patients, the number at the end of each year, and the Expense of each year, for the thirteen years the Hospital has been in operation.*

<i>The Year.</i>	<i>No. of Residents.</i>	<i>Average No.</i>	<i>No. at the end of each year.</i>	<i>Annual Expense.</i>
1833	153	107	114	\$12,272 91
1834	233	117	118	15,840 27
1835	241	120	119	16,576 44
1836	245	127	138	21,395 28
1837	306	163	185	26,027 07
1838	362	211	218	28,739 40
1839	397	223	229	29,474 41
1840	391	229	236	27,844 98
1841	399	233	232	28,847 62
1842	430	238	238	27,546 87
1843	458	244	255	27,914 12
1844	491	261	263	29,278 75
1845	556	316	360	

The expense of supporting a patient at the Hospital has varied, according to the value of the necessaries of life, from \$112 17 to \$168 42, averaging \$130 62. The average for the five years preceding the present year, is \$117. For the whole time of thirteen years, the average charge for board has been at the rate of \$2 50 per week, and for the five years preceding the present year, the average expense has been \$2 25 for each patient. The expenses of the past year have been greater than the previous years, because new apartments have been opened, requiring additional assistants, greater in proportion to the number of patients actually in their care, and because the price of provisions has gradually risen during the last quarter, from 15 to 30 per cent. above what it was last year, or the first two quarters of the present year. The present high price of provisions will necessarily increase the expenditure of the present quarter considerably. The price of labor in the Hospital has been nearly the same for ten years. It is difficult to diminish the expense so as to materially lessen the price of board. The wages are not too high for the services rendered, and the fare is simple and substantial, not embracing many luxuries.

TABLE 6.

*Statistics of the Hospital, from January, 1833, to Nov. 30th, 1845.*

	1833.	1834.	1835.	1836.	1837.	1838.	1839.	1840.	1841.	1842.	1843.	1844.	1845.
Whole No. of patients admitted, . . . .	153	119	113	125	168	177	179	162	163	198	220	236	293
Discharged, including deaths and elopements,	39	115	112	106	121	144	168	155	167	191	203	228	196
Discharged recovered, .	25	64	52	58	69	76	80	82	82	88	116	124	122
Discharged improved, .	7	22	23	17	23	24	29	27	36	25	32	40	25
Discharged not improved,	2	20	28	22	20	28	37	29	37	66	33	49	25
Died, . . . .	4	8	8	8	9	16	22	15	12	12	22	15	24
Eloped, . . . .	1	1	1	1	0	0	0	0	0	0	0	0	0
Patients in the Hospital in the course of the year,	153	233	241	245	306	362	397	391	399	430	458	491	556
Patients remaining at the end of the year, . .	114	118	119	138	185	218	229	236	232	238	255	263	360
Males admitted, . . .	96	68	51	66	94	96	80	75	73	107	111	109	164
Females admitted, . .	57	51	62	59	74	81	99	87	90	91	109	127	129
Males discharged, . . .	19	58	57	56	65	74	66	59	71	96	92	108	100
Females discharged, . .	15	48	46	41	47	54	30	81	84	83	89	105	96
Males died, . . . .	3	5	4	6	6	10	14	9	7	3	8	9	15
Females died, . . . .	1	3	4	2	3	6	8	6	5	9	14	6	9
Patients sent by Courts, .	109	55	90	117	129	123	123	106	110	157	152	158	167
Private, . . . .	44	64	23	8	39	54	56	56	53	41	68	78	126
Recoveries:													
Males, . . . .	13	33	27	32	37	45	32	28	37	44	53	56	64
Females, . . . .	12	31	25	26	32	31	48	54	45	44	63	68	58
Average, . . . .	107	117	120	127	163	211	223	229	233	238	244	261	316

TABLE 7.  
*Statistics of the different Seasons.*

	1833.	1834.	1835.	1836.	1837.	1838.	1839.	1840.	1841.	1842.	1843.	1844.	1845.
<b>Admissions—</b>													
In Winter, . . . . .	27	26	24	23	26	46	39	32	31	50	51	51	61
In Spring, . . . . .	72	35	31	36	49	46	38	42	37	48	58	60	80
In Summer, . . . . .	23	30	30	42	40	47	59	44	51	40	56	71	68
In Autumn, . . . . .	31	28	28	24	53	38	43	44	44	60	55	54	84
<b>Discharges—</b>													
In Winter, . . . . .	0	22	21	20	14	18	31	29	35	37	44	48	40
In Spring, . . . . .	1	33	30	33	36	37	38	38	33	46	49	60	34
In Summer, . . . . .	11	28	31	24	29	44	48	41	37	46	46	65	46
In Autumn, . . . . .	23	24	22	21	33	29	29	32	50	54	42	55	52
<b>Recoveries—</b>													
In Winter, . . . . .	0	13	13	12	10	15	13	18	20	24	24	31	25
In Spring, . . . . .	0	20	11	15	17	23	24	22	10	22	34	33	29
In Summer, . . . . .	9	16	16	12	15	18	23	20	22	25	29	23	28
In Autumn, . . . . .	16	15	12	19	27	20	20	22	30	19	29	37	40
<b>Deaths—</b>													
In Winter, . . . . .	0	3	1	0	1	3	5	6	1	4	5	2	4
In Spring, . . . . .	1	2	2	1	2	5	5	6	2	1	3	3	2
In Summer, . . . . .	3	3	2	4	1	5	7	1	5	3	6	6	7
In Autumn, . . . . .	0	0	3	3	5	3	5	2	4	4	8	4	11

TABLE 8.

Ages of Patients in the Hospital, December 1st, 1845.		Duration of Insanity with those remaining, December 1st, 1845.	
Under 20, . . . . .	13	Less than 1 year, . . . . .	63
From 20 to 25, . . . . .	45	From 1 to 2 years, . . . . .	69
" 25 to 30, . . . . .	50	" 2 to 5 " . . . . .	59
" 30 to 35, . . . . .	44	" 5 to 10 " . . . . .	63
" 35 to 40, . . . . .	42	" 10 to 15 " . . . . .	40
" 40 to 45, . . . . .	32	" 15 to 20 " . . . . .	26
" 45 to 50, . . . . .	34	" 20 to 25 " . . . . .	11
" 50 to 55, . . . . .	39	" 25 to 30 " . . . . .	7
" 55 to 60, . . . . .	18	Over 30 years, . . . . .	7
" 60 to 65, . . . . .	19	Unknown, . . . . .	15
" 65 to 70, . . . . .	8		
" 70 to 75, . . . . .	12		
" 75 to 80, . . . . .	2		
Over 80, . . . . .	2		
	360		360

TABLE 9.  
*Classification of Insanity.*

	Whole No.	No. of each Sex.	Curable.	Total of Curable.
Mania, . . . .	1130			
Males, . . . .	.	624	415	
Females, . . . .	.	506	361	776
Melancholia, . . . .	796			
Males, . . . .	.	352	194	
Females, . . . .	.	444	287	481
Dementia, . . . .	242			
Males, . . . .	.	149	4	
Females, . . . .	.	93	4	8
Idiots, . . . .	12			
Males, . . . .	.	10		
Females, . . . .	.	2		
Many not classed.				

The classification of patients in a Hospital is one of the most important matters connected with institutions for the insane. It is far from being a correct view of the subject to throw those together, exclusively, whose diseases most resemble each other. The excited placed with the quiet, and the quiet with the excited, often has a favorable effect reciprocally. The convalescent should not usually be annoyed by such as are disagreeable to them, but a case of pleasurable excitement is often agreeably associated with those recovering, and is frequently rather beneficial than injurious.

In former reports, I have spoken of the difficulty of classifying the forms of disease for any practical purpose. The maniac becomes melancholic, and the melancholic a maniac by turns. Periodical cases generally pass more or less directly from one form to the other, and when passive and quiescent often appear rational, though they may not be free from delusion or false judgment.

False judgment and a false estimate of things constitute, in a large proportion of cases, the main feature of the disease; there is no very obvious delusion of any other character. In many cases of what has been termed moral insanity, this false judgment may be found to exist in a greater or less degree. The individual whose temper and pas-

nions are easily disturbed, may greatly misjudge of the provocation which excites him, and over estimate the causes which disturb and estrange his feelings. The state of the nervous system has much influence on his temper and disposition. Improper education increases susceptibilities, fosters appetites and propensities and gives them that preponderance in the character which a good education would repress, direct, and regulate.

The hallucinations of the insane are entirely visionary, disconnected wholly with disease of the senses; false perceptions, creations of the fancy, or irregular combinations of received impressions, such as with the rational mind occur in dreams. Many insane persons mistake dreams for realities, and contend stoutly that they have seen or heard what they only imagined or falsely perceived. Others seem to have waking dreams; the mind, inattentive to surrounding objects, is occupied by reveries which are mistaken for actual existences.

A man recently in the Hospital, who had had great pecuniary trouble, imagined that two sheriffs came to his door, which was locked, opened it, which he distinctly heard, and entered the room. He saw them distinctly, heard them read the instruments of attachment of his person, and saw them retire. Though he is now calm and self-possessed, he cannot be persuaded that this vision was not a reality.

A young man now favorably convalescing, told me that when he was first attacked with insanity, he saw beautiful visions in the room over his head, ships, fishes, steam-boats, and all sorts of water craft, heard heavenly music, saw immense crowds of people come to pay him homage, among whom he recognized uncles, aunts, cousins and other friends. These he now admits were fancies, not realities; but when he was on his way to the Hospital, he saw immense trains of rail-road cars transporting slaves to the Pacific Ocean, passing by with great rapidity, fully loaded with colored persons. "This," says he, "I think was a reality."

This condition of the mind is essentially different from that which leads an insane man to suppose himself wicked, poor or despised. In these cases, the judgment is principally in fault, in the other, the perceptions are vivid, the imagination active and unrestrained, while the qualifying or correcting influences are inactive or deficient.

Many insane persons dismiss their delusions with reluctance, even when far advanced towards recovery; they are cautious in admitting the evidence which establishes their fallacy and removes from their minds impressions which have afforded them pleasure.



I once knew a clergyman who was somewhat embarrassed by the expenses of his education, who, while in the delirium of fever, received the impression that he had been presented with a purse of gold sufficient to cancel all his debts. This impression did not leave him when his disease was removed, and he was surprised, when quite recovered, to find that the whole was a delusion.

It is not always easy to determine whether cases of this description are illusions or hallucinations.

A patient now with us hears a clock tick over his head at night, which, he says, keeps him awake; he also smells many disagreeable odors which come into his room through the cracks and ventilating openings, and these he stops up with rags. In this case, both hearing and smelling are affected with disease. The senses in this case are probably diseased, as the man is kept awake by the noise.

A patient now recovered saw, when he was first insane, ranges of little fellows on the side of his room, rising in regular gradations from one to three feet high. These phantoms visited him every night and kept him from sleep.

Another patient was, when most insane, visited at night by naked skeletons, who made lewd motions before him; he also smelled poison in his room and tasted it in his food. This man would imagine that he was on the confines of the bottomless pit without the hope of escape, and so riveted was his mind to this delusion that he would become excessively agitated and distressed, and sob and weep bitterly at his impending fate. He had one or two of these paroxysms during religious worship on the Sabbath. He at last recovered favorably.

A person now with us is surrounded day and night by persons who shoot at him with white powder which makes no noise. He makes holes through his clothes, and exhibits them as the marks of the silver bullets which are fired at him. He does not hear the report of the muskets, but sees the persons shoot at him and feels the wounds which are made in his flesh. Before he came to the Hospital, he loaded his gun with black powder to revenge upon the persons who thus annoyed him; this caused his arrest and confinement.

Another man came directly from one of our seminaries to this institution. He sees persons at his window resembling the professors whom he has been accustomed to hear, and converses with them. He has seen lightning and flame flashing through his room and about the houses in town.

One man stands at his window and gives orders to the rail-road depot,

half a mile distant, respecting the movements of the cars. He sees his wife at the window in the night, who directs him not to take his medicine.

Another man sees angels and cherubs at his window in the night, and holds conversations with them. They tell him that Tuesday is the proper Sabbath, and he observes that day instead of Sunday.

Another sees vermin, particularly spiders, crawling over his person and about his room.

One, a bachelor, sees the Devil in his room, who tells him all his thoughts. He feels sensible effects upon his body, which are the result of these interviews. He can drive him away at any time by promising to get married.

An old gentleman is visited at night by the corpse of his friend, which brings him raisins, tobacco, &c. Sometimes he gets into bed with him, he finds he is cold, very soft, and offensive to the smell.

A deaf and dumb patient feels himself drawn to the earth and to substances about him, and says the earth is like onions applied to his feet.

A recent case of insanity, now in our care, is annoyed by gas thrown at him, which dazzles and disturbs him so that he is unable to know what he is about.

One patient, who has been long with us, is excessively annoyed by what he calls "plaster of Paris women," who blow his hair off with their "chemistry winds." He is quite bald, covers his head with a handkerchief, and rubs it constantly.

A woman, now in the Hospital, is greatly disturbed by an old woman, who visits her at night and commands her to do things which she afterwards knows are wrong, but which, at the time, she feels obliged to perform. She often obliges her to get out of bed in the night and lie on the floor; of this she complains bitterly, but dare not disobey.

A very intelligent patient came into the hall one day when I was in, and said that an angel came into her room, and seeing a book upon the table, took it and disappeared. She was greatly agitated and alarmed, and walked briskly through the hall, exclaiming, "an angel has been in my room and took away my book. I saw the little hand, and the book is gone—the book is gone!" She knew the angel, it was her own daughter who had died some time before. As she was so much disturbed, search was made for the book, and it was found in the hands of an excited patient, who acknowledged that she went into the room and took it. The lady remained greatly disturbed for a long time.

The cases enumerated are a few among the many in which the mind is deranged through false impressions received by the senses, or false perceptions in the brain, independent of the senses.

A case has been in our care the past year, which is so exceedingly interesting, that I consider it worthy of minute detail.

E. A. M., an orphan girl, aged 15 years, was admitted to the Hospital Dec., 1844. She had had chorea, and had been for some time melancholy, and affected with headache and great distress in the eyes, which, at such times, appeared prominent and distorted. When the paroxysms of headache were over, the eye assumed nearly a natural appearance. For some time she apparently improved, the paroxysms were less severe, and her general health rather better. At this time she began to occupy herself in active domestic employments, she was most of the time cheerful, and we had strong hope of a radical amendment.

These paroxysms did not wholly subside, and when they did occur, she was a great sufferer, and felt gloomy and desponding. She had amenorrhœa, and was inclined to constipation, had bad appetite and sleepless nights. In the intervals of these paroxysms, she was cheerful and active, but would usually say her head ached, if she was questioned as to her health.

Some time in March, the disease manifestly increased, the paroxysms became more severe and protracted, and the gloom and despondency increased. In the latter part of April, her symptoms were greatly aggravated, the suffering in her head became agonizing, and her sight was greatly impaired. She took no notice of those about her unless touched by them, when she seemed much frightened, but did not speak. During the month of May, she was extremely ill, confined most of the time to her bed. She had severe spasms and excessive headache, laid nearly senseless, moaning and suffering extremely, often tearing her hair and beating her head with great violence. With the exception of moving her hands, she seemed entirely paralyzed. In this state she continued some weeks, apparently near dissolution. She took very little food and emaciated rapidly. Early in June she recovered her speech, and we then ascertained that she was entirely blind and deaf and had lost the senses of smell and taste. She was entirely unconscious that she was at the Hospital, talked to her brothers and sister as if they were present, and complained in the bitterest terms that they would not answer her questions, or in any way communicate with her. She had no idea that she was deaf, and it was truly heart-rending to hear her

exclaim, "why will you not talk to me—all is silent as the grave—what have I done that you will not speak to me?" For hours together she would address her friends in the most plaintive and imploring language, begging for one word, even if it was that of unkindness. At times she imagined she was a captive among some barbarous people who could not understand her language, and frequently asked if there were no missionaries among them who could serve as interpreters.

While in this condition, after trying various remedies, it was thought advisable to try the effect of galvanism. The battery was got ready and the fluid applied gently to her hands, when she became agitated in the most extraordinary degree, her countenance flushed, her eyes glared open, her expression the wildest conceivable, while she continually screamed, "don't bury me alive—don't bury me alive,—I am not dead—I am not dead!" Never did I witness such a scene—every avenue of communication with her was cut off, and for twelve hours she screamed without intermission, declaring that she was not dead and begging most imploringly that we would not bury her alive. Too late we found that we had excited a storm which we could not calm; there was no way in which we could soothe or pacify her in the least degree. When completely exhausted, she became quiet and slept. For some days she would start, and appear frightened by the slightest touch. She gradually got better of this excitement and appeared much as she had done for some weeks previous. During all this time, she did not recollect any thing of the Hospital or its inmates. She called those about her by the names of her absent friends, myself and my assistant she recognized as physicians who had attended her some years previous; her nurse she called by the name of her sister. When I visited her, she would say, "Dr. —, why do you not speak to me, you used to be so kind and pleasant and now you are as silent as the rest; do Dr. — speak one word to me."

She improved slowly and favorably till about the middle of June, had taken morphine, sub-muriate of mercury, the arsenical solution and some laxative medicines, had also had blisters on her temples. Much of the time she swallowed with difficulty, so that food and medicine were given irregularly. On the 17th of June, she again lost her speech, but communicated in a very limited manner by general signs. If thirsty, she would place her finger on her lips; if she wanted air, she would make the motion of the fan. With this increase of symptoms, she had frequent pulse, dry skin, dry tongue, soreness of the throat, and great difficulty of swallowing. On the 20th of June, for the first

time during this long illness, she seemed to have some idea of the Hospital, and those who resided here, and by some external mark or peculiarity of dress, recognized a few individuals with whom she had previously been intimately acquainted.

When she first came to the Hospital, sad and unhappy, she and another young lady who was equally melancholy, were in the practice of sitting together in their rooms and weeping as they rehearsed their grief. Ascertaining this to be case, I directed their attendants to prevent such interviews alone, and separate them if thus found talking together. To avoid scrutiny, they learned the manual alphabet and communicated with each other on their fingers quite freely. This was unknown to me at the time, but now it was thought of by the young lady, who was nearly recovered, and she made an attempt to communicate with her upon her fingers. After a time, the experiment succeeded, and she learned for the first time that she was deprived of her external senses! She thought she had been for a long time in a dark, dismal place, where the people did not talk, and where they drank but did not eat.

Early in July she again lost her speech for forty-eight hours, and during the time was exceedingly sensitive and easily agitated. The slightest touch would alarm her, and bring on trembling; fanning agitated her, and the least motion of the bed-clothes would excite and disturb her.

Till the sixth of July, the senses remained lost. Various experiments were tried with her to satisfy us that they were entirely gone. She drank vinegar as water, took a tea-spoonful of Cayenne pepper as she would take so much bread, without noticing it in the least. On the 7th of July, the sense of smell was suddenly restored and she enjoyed the fragrance of flowers and other perfumes. This was the first restoration of any of the external senses, and it remained but a short time. For some days she had been very comfortable and seemed to be improving favorably. On the night of the 12th, the nurses were awakened by her groans, and found her in a state of great trepidation and alarm, which was only increased by every attempt to quiet her. When any one touched her, she would spring away in great fear, her eyes staring, and her whole frame trembling with agitation. In the afternoon of the next day, she became more composed and was able to recognize a few friends, but had entirely lost her speech. When she recognized any one, she would seize hold of them with a convulsive grasp, and by familiar signs of recognition, and great anima-

tion of countenance, would show the joy and satisfaction she experienced in meeting them. When these paroxysms have left her, she has usually supposed that she has been away to some dismal place, "down, down, down." When she meets her friends after the illness has passed, she says with great animation and expressions of delight, "got back, got back." At this time, she communicated readily with her fingers, and many of her friends learned her language. Her sense of touch was very acute, she read with ease the lettering on books, and the books for the blind. Her mind was very active, and her memory retentive. She walked about with some assistance, and gains strength and health between these paroxysms. She talked much with her friend J—, who had recovered, and was employed to converse with, and take charge of her.

When she is in one of her paroxysms she is dull, understands but little, and often loses her memory of every thing.

Her smell repeatedly returned for a short period, but was soon gone again,—so far as we have been able to discover, she has been totally blind from the first, and deaf since the first loss of hearing. She has repeatedly come out of these paroxysms with some delusion upon her mind. Once she supposed that her mother had visited her and brought her ornaments, which had been lent her; these she afterwards claimed as her own. For a long time, this impression remained, though her mother died when she was two years old. In the intervals of these paroxysms, she is sensible and rational, very quick in her discernment, and greatly disposed to mirthfulness.

Early in August, when she was in this comfortable state, she was frightened by some one coming to her room and taking hold of her. She was so much agitated by this, that the slightest touch, for a number of days, would alarm her. Her trepidation on this occasion was so great that she could hardly be persuaded to take her food or drinks, every communication frightened her so much. She again recovered from this fear and was cheerful and happy. She took much pleasure in knitting and was very industrious.

On the 12th of August, her friend J. left her. She had been most kind and faithful to her, and her departure was a cause of great grief; they were mutually attached, and both felt sad at the separation. Her attachment to J. was very strong, and whenever her name was communicated to her, her countenance brightened and she was full of animation and joy. Soon after this good friend left her, our patient was removed to the family apartments, where she has since remained.

On the 14th of August, she had another paroxysm, which is thus described by one who was with her. "Her face assumed a singular expression, her eyes rolled wildly, and when I attempted to speak with her, I found she did not notice at all. She kept my hand, but would suffer no other hand to touch her without an expression of horror. She trembled constantly, started frequently, and seemed to be in the greatest fear. In about an hour she became more calm and slept. It was thought best to place her in bed as she was not in a comfortable position. When touched for this purpose, she manifested the greatest agitation, and screamed in the most frightful manner, resisting with all her power. When finally placed in bed, she crouched close to the wall, trembled so as to shake the bed, and with every breath, continued those dreadful screams. After an hour she became more quiet, and slept again. When she waked she felt about to ascertain where she was, examined the hands of her watch to tell the time, and recognized the friend who was with her. She moved her hands about in an awkward manner, as if she had some idea of having communicated with them. When we attempted to talk to her in the usual manner, we ascertained that she had forgotten her alphabet; she had also forgotten how to knit, though she was knitting when the paroxysm came on. After a few attempts she succeeded in writing her wants on the slate, and in the course of the day learned her alphabet again and was able to knit." As usual she supposed that she had been away during this paroxysm, said she was "so glad to get back," and would never go away again. She did not inquire for any one, and was much afraid of being touched. She had been intimately acquainted with many persons in the house, but now seemed to have forgotten them all, and for a considerable time could not be made to understand who they were. After a few days she recollected that there were three physicians here, and gradually regained her knowledge of other friends.

For many days, in the latter part of August, she was quite ill, suffered from palpitation, headache, and severe neuralgia. After these symptoms had continued some days, she began to lose the use of her lower limbs; they were very painful, and when she attempted to walk, tottered, and repeatedly fell. Early in September, she lost the use of them entirely, and all sensibility in them. For a time they were perfectly cold and white as if dead, and pins or needles thrust into them produced no impression. They have since appeared more natural, but are yet insensible. At this time she very suddenly regained her senses of smell and taste, and was made very happy by it;

thought her other senses would soon be restored, and indulged in many pleasant anticipations. Soon after this, she began to articulate a few words, though in an imperfect manner; she was not conscious of it, and when told that she had really spoken, her delight was unbounded; she repeated the words continually and daily added to their number.

She was now very happy; could taste, smell, and talk considerably. Her feeling was also very acute, so that she could not only read the books for the blind, which she did readily, but coins, seals, and engraved visiting cards. She was very industrious, and employed herself in knitting purses, making worsted mats, and sewing. The articles thus made she sold to visitors, and took great pleasure in counting her money and shewing it to her friends. She prepared some articles to be exhibited at the Fair in October, and was much delighted when she learned that she had obtained a premium for them. She was much interested in all accounts of the fair, and the descriptions of the articles there exhibited.

The evening after the fair she attended a dancing-party, which was got up for the patients, and though she could neither see the dancing nor hear the music, she enjoyed it greatly. She could feel the motion of the floor and took the hands of the dancers as they passed her, examined their dresses, inquired of all her associates who they had for partners, and seemed quite the happiest person in the room.

At this time she wrote to her brother that she was "as happy as the day is long." She remained in this state of enjoyment and good health till the 20th of October, when she again became ill, and for several days was in intense pain. She had severe palpitation, and the pain about the heart was very violent; her eyes were much swollen and inflamed, and the distress in her head very great. Much of her pain seemed neuralgic, and she suffered apparently beyond human endurance. Large doses of morphine only afforded relief, and these often repeated. For many days her life was in jeopardy, and it seemed hardly desirable that she should again recover. Her distress gradually subsided, but we found that she had again lost her speech, and with it, all feeling in her hands; they were entirely useless.

Her situation was now more deplorable and hopeless than ever. The only medium by which she had been able to communicate with those around her was now withdrawn, and existence was a burden. She could not speak as in her first attack, for she was now dumb; she could not recognize her friends by the sense of touch, for her hands were paralyzed. She could see no one, hear no one, feel no one, and she



constantly suffered the most agonizing pain. Her friend watched her with increasing vigilance and solicitude, and as she was relieved from suffering she commenced teaching her an alphabet on her face. By untiring perseverance, she succeeded in communicating to her simple ideas in this novel manner. While this experiment was going on successfully, the sensibility of her hands was at once partially restored, and she was again able to converse in her usual manner.

From this severe illness she gradually recovered to her former condition, except that the acute sense of feeling which she had long had in her fingers, did not return, and she has since been unable to read even the raised letters of the blind.

During the month of November, she has been very comfortable most of the time; has had considerable headache, and gets easily fatigued, yet she is ever cheerful and happy. For some days previous to the annual Thanksgiving, she was anticipating the pleasures and festivities of that occasion, and when the day arrived she was full of enjoyment. She dined with her friends, and in the evening enjoyed the dance as much as before. She now spends her time in knitting, sewing, writing and playing games. In her chair on castors, she moves about from one apartment to another, enjoying the salutations which she everywhere meets, and though quite blind, deaf and dumb, and unable to walk or read, she has much real pleasure, is ever patient, cheerful and thankful to those friends who meet her with affectionate kindness and sympathy, and grateful to her Heavenly Father for so many favors and blessings in the midst of all her privations and sufferings.

TABLE 10.

*Showing the Causes of Insanity, and circumstances connected with causes and predisposition to Insanity.*

Intemperance, . . . . .	278	Jealousy, . . . . .	11
Ill Health, . . . . .	318	Fright, . . . . .	14
Masturbation, . . . . .	145	Palsy, . . . . .	19
Domestic Afflictions, . . . . .	219	Hereditary, or having insane	
Religion, . . . . .	191	ancestors or kindred, . . . . .	565
Property, . . . . .	131	Periodical, . . . . .	450
Disappointed Affection, . . . . .	68	Homicidal, . . . . .	23
Disappointed Ambition, . . . . .	33	Have committed Homicide, . . . . .	16
Epilepsy, . . . . .	56	Suicidal, . . . . .	239
Puerperal, . . . . .	67	Have committed Suicide, . . . . .	11
Wounds of the Head, . . . . .	26	Arising from physical causes, . . . . .	918
Abuse of Snuff and Tobacco, . . . . .	9	Arising from moral causes, . . . . .	667

Many not classed.

Intemperance continues to be one of the most prominent causes of insanity, notwithstanding the great change in the habits of the community. Probably three-fourths of the quantity of alcoholic drinks, in proportion to the number of individuals in New England, is abandoned, —yet there is enough still in use to send to this Hospital a large number of cases, annually, from this cause. Those persons who are not reached and influenced by the many appliances now bearing upon this habit, have strong appetites or weak principles, and are likely to use this poison so imprudently, as finally to feel its influence on physical health, and especially on the brain and nervous system in the production of palsy, epilepsy, apoplexy, insanity, and other kindred diseases. It is not surprising that a brain that has been subjected to such a powerful narcotic as alcohol, that has been almost daily pressed with blood till it produces vertigo and stupor, should be so disturbed in its functions as to exhibit alarming disease and finally organic changes, which produce incurable chronic maladies that make life miserable and death prematurely certain. The brain is often affected in this way directly, and fatal mischief comes from the influence of this narcotic upon the organ itself. But it as frequently produces disease of other organs in the first instance, as the stomach, the liver, and the nervous ganglions; with these organs the brain has direct and powerful sympathy, and insanity is produced indirectly when the brain itself is not primarily affected.

It is a wonderful provision of the animal economy, that so great and frequent transgressions of the laws of life do not more suddenly and certainly prove fatal. We can eat excessively, and use improper articles freely, and for a long time, without any apparent evil; but the penalty will come—transgressions of these laws will be followed by summary punishment, as surely as violations of the moral law.

The condition of the brain is rendered such by the intemperate use of alcoholic drinks, that even a suspension of their use will not always prevent the occurrence of insanity. With great opportunities for observation, I do not now recollect a single case of delirium tremens arising from the abandonment of intoxicating drinks. I know that many preventives have been prescribed, and that a cautious withdrawal has been recommended to prevent this calamity—yet, in my experience of six years as physician of a prison, and thirteen as Superintendent of this Hospital, I have seen many individuals who were broken off abruptly from all stimulating drinks, yet I do not think a single case of this disease has occurred. The reformation of intemperate persons by the

modern temperance reform, sustains this view of the subject, so contrary to former theories of this disease. The work of disease has so far advanced in some individuals who have recently reformed, or have pretended to reform, from the use of intoxicating drinks, that ordinary insanity has occurred without the apparent intervention of other causes, —even in these cases, the withdrawal of the stimulus cannot be reasonably supposed to have had any agency in producing the insanity.

A brain that has been long involved in the fumes of alcohol, that has circulated through it for years a contaminated vital fluid from which it must receive its nutrition, cannot be supposed to be in a condition to perform healthy functions. Such must be the condition of the brain in the case of many drunkards, and the results which we constantly witness, are proof of the correctness of this pathology.

In my experience, the senses, especially the sense of hearing, has been affected in cases of insanity arising from intemperance.

Twelve years ago, there was an insane man in the Hospital, who seemed to anticipate the magnetic telegraph. He conceived the idea of so managing electricity, as to communicate intelligence from one end of the Union to the other "as quick as lightning." He also supposed that he could instantly send intelligence to Europe whenever he desired. He went to Washington to obtain a patent for his discovery. When with us, he would spend the whole day passing from door to door of his gallery, striking his key upon the locks, at the same time uttering words unintelligible to us, and listening to the reply. In this way he communicated with his friends in Europe, where he was born and educated. He believed he was arrested and confined in the Hospital by false friends, who were desirous of taking advantage of his discoveries,—thought they had got possession of his apparatus, and tantalized him by giving him frequent shocks of electricity. These shocks exasperated him exceedingly and kept him constantly disturbed. They conveyed sounds to him as well as other impressions, calling him hard names, which kept him angry and violent much of the time. He was intemperate, and had had delirium tremens.

A man affected with insanity from the same cause, had an impression that he had a dictator in his head, whose mandate he dared not disobey. If he told him to do mischief, he did it, and laid the whole blame to his director. He had not a very good opinion of the power that directed him—often got angry with him, called him a "fellow," and a "mean fellow," and said that he was "ugly" and made him

so. This man was usually quiet and well-disposed, but was much of the time miserable and unhappy, because he must obey such a bad director.

Another man who has twice been in the Hospital, and whose insanity was produced by intemperance, was greatly excited and rendered quarrelsome by false hearing. His neighbors and children were taught to utter disrespectful language to him, and of him, and even perform music set to words reproachful and derogatory to his good name—people rapped at his door and left improper messages; indeed, he was kept in a state of perpetual excitement and anger. When he undertook to avenge his imaginary wrongs, he was arrested and brought to the Hospital. This man is now much better, and able to live peacefully, in the world, with habits greatly improved, if not wholly cured.

A musician in our care would sing tunes, and then listen to hear the sounds go around the globe and return to him in full harmony some minutes after. His insanity was from the same cause.

Many of the insane from intemperance have false vision. One man who was with us, was visited by bears and tigers in his room, and he would fight them manfully, always overcoming them at last.

Another had snakes in his bed at night, with which he would contend, and which he would destroy. While at labor in the field, he would stop frequently and stamp them to death.

An old man who had been long intemperate, was visited by devils in the form of serpents, whom he could charm or frighten at pleasure. He dared not leave his room long at a time, fearing they would gain possession.

Alcohol is not the only narcotic which thus affects the brain and nervous system. Opium produces delirium tremens and probably insanity. Tobacco is a powerful narcotic agent, and its use is very deleterious to the nervous system, producing tremors, vertigo, faintness, palpitation of the heart, and other serious diseases. That tobacco certainly produces insanity, I am not able positively to observe; but that it produces a predisposition to it, I am fully confident. Its influence upon the brain and nervous system generally, is hardly less obvious than that of alcohol, and if used excessively is equally injurious. The young are particularly susceptible to the influence of these narcotics. If a young man becomes intemperate before he is twenty years of age, he rarely lives to thirty. If a young man uses tobacco while the system is greatly susceptible to its influence, he will not be likely to escape in-

jurious effects that will be developed sooner or later, and both diminish the enjoyments of life and shorten its period.

The very general use of tobacco among young men at the present day, is alarming, and shows the ignorance and devotion of the devotees of this dangerous practice to one of the most virulent poisons of the vegetable world. The testimony of medical men, of the most respectable character, could be quoted to any extent to sustain these views of the deleterious influence of this dangerous narcotic.

Dr. Rush says of tobacco—"It impairs appetite, produces dyspepsia, tremors, vertigo, headache, and epilepsy. It injures the voice, destroys the teeth, and imparts to the complexion a disagreeable, dusky brown."

Dr. Boerhaave says that "since the use of tobacco has been so general in Europe, the number of hypochondriacal and consumptive complaints has increased by its use."

Dr. Cullen says: "I have known a small quantity snuffed up the nose to produce giddiness, stupor and vomiting. There are many instances of its more violent effects, even of its proving a mortal poison."

Dr. Darwin says, "it produces disease of the salivary glands and the pancreas, and injures the power of digestion by occasioning the person to spit off the saliva which he ought to swallow."

Dr. Tissott once saw the smoking of it prove fatal.

Dr. Pilcher details the particulars of a case of a medical student whom he had been requested to see. "This gentleman suffered under all the symptoms of phthisis. There was muco-purulent expectoration, night sweats, &c. The mucous membrane of the throat, epiglottis, and the neighboring parts, was coated with a brown fur. The patient had been an immoderate snuff-taker; he was told to discontinue the snuff; he did so, and recovered."

Dr. Chapman says: "By a member of Congress from the West, in the meridian of life, and of a very stout frame, I was some time since consulted; he told me that, from having been one of the most healthy and fearless of men, he had become 'sick all over, and timid as a girl.' He could not even present a petition to Congress, much less say a word concerning it, though he had long been a practising lawyer, and served much in legislative bodies. By any ordinary noise he was startled or thrown into tremulousness, and afraid to be alone at night. His appetite and digestion were gone, he had painful sensations at the pit of his stomach, and unrelenting constipated bowels. During the narrative of his suffering, his aspect approached the haggard wildness of mental distemperature. On inquiry, I found that his consumption of tobacco

was almost incredible, by chewing, snuffing and smoking. Being satisfied that all his misery arose from this poisonous weed, its use was discontinued, and in a few weeks he entirely recovered.

Distressing as was this case, I have seen others, from the same cause, even more deplorable. Two young men were in succession brought to me for advice, whom I found in a state of insanity, very much resembling delirium tremens. Each had chewed and smoked tobacco to excess, though perfectly temperate as regarded drink. The further account given me was, "that in early life, adopting this bad practice, it grew with their growth. Dyspepsia soon occurred, attended by great derangement of the nervous system, and ultimately the mania I have mentioned. But I have also seen the same condition very speedily induced."

Dr. Franklin says he never used it, and never met with a man who did use it that advised him to follow his example.

The venerable John Quincy Adams, in a recent letter on the subject, says that in early life he used tobacco, but for more than thirty years he had discontinued the practice. "I have often wished," says he, "that every individual of the human race, affected with this artificial passion, would prevail upon himself to try, but for three months, the experiment which I have made, and am sure it would turn every acre of tobacco land into a wheat field, and add *five years* to the average of human life."

Some cases have come under my observation which show the injurious effects of tobacco where no evil was suspected.

A respectable merchant, who abstained wholly from ardent spirits, applied to me for advice. He complained of great weakness, tremor of the limbs and joints, with lassitude, general prostration of health, and depression of spirits. Knowing that he used tobacco freely, I advised him to discontinue it entirely; he soon became better, and after a time was wholly relieved from these disagreeable symptoms.

A distinguished clergyman informed me that he had been an extravagant snuff-taker; that for years he had had a disagreeable affection of the head, and his health was not good. He did not attribute either to his use of snuff, but thinking it a filthy habit and a growing evil, he resolved to leave it off. He was surprised to find the difficulty in his head almost immediately left him, and his general health became quite good.

A gentleman of athletic frame, and about twenty-four years of age, applied to me for advice. He complained of insufferable faintness and

distress of stomach, morning sickness, vomiting, trembling and prostration of strength. He diminished his tobacco considerably, and was immediately better, but had not resolution to abandon the pernicious practice.

In our experience in the Hospital, tobacco in all its forms is injurious to the insane. It increases excitement of the nervous system in many cases, deranges the stomach, and produces vertigo, tremors, and stupor in others. It is difficult to control its use with the insane, and though considerable suffering comes from its entire abandonment, it cannot be generally allowed with safety.

One patient, while at labor, found a quantity of tobacco, and hid it in his bed. He used it freely, became sick, lost his appetite, and confined himself to his bed completely intoxicated. After some days, diligent search was made, and a store of tobacco was found in his straw bed; when this was removed he almost immediately recovered, and in a few days was well as before.

A patient who came into the Hospital a furious maniac, soon became calm and improved favorably. He labored in the field with propriety, and exhibited every indication of a favorable convalescence. Suddenly, without any apparent cause, he again became very violent and insane. It was soon discovered that he had in some way obtained tobacco. After he ceased to use it, he again became calm and convalescent.

An aged lady was brought to us very insane. The practice of her friends for some time had been to give her ardent spirits to intoxicate her at night, and tobacco and snuff, in unlimited quantity, for the day. All these were withdrawn at once; her sufferings for some days were great; but after a time she became calm, and got better as soon as the influence of this excitement was over.

I have already exceeded my intended limits in the detail of cases.

It is very natural to suppose that an article possessing the active properties of this fascinating narcotic, should produce most deleterious effects upon health—particularly upon the brain and nervous system.

The uninitiated cannot smoke a cigar, or use tobacco in any form, without unpleasant effects,—how then can it be possible that a poison so active can be used with impunity? The stomach and brain, subjected to such influences, will become diseased, and show their effects as certainly as if alcohol were used. If asked my medical opinion, which was safest, four glasses of wine or four quids of tobacco, daily, I should say unhesitatingly the *wine*. Of the two evils, this would, in my

opinion, be the least. Tobacco is the strongest, most dangerous narcotic—the habit of its use is the strongest and most difficult to overcome, and the influence felt from it most baneful and destructive to health.

The causes of insanity may be divided into *voluntary* and *involuntary*. Of the former, the principal are *intemperance* and the *secret vice*, other causes may be of this class, such as hazardous speculation, many religious vagaries, imprudent exposures, and irregularities. None are so prominent as the two first named, and none so fully stain the character with guilt, which even the occurrence of hopeless disease can hardly wipe away. Intemperance disorders the senses, and induces apoplexy, epilepsy and palsy. The cases from this cause are about as favorable for recovery as the majority of others, but are most sure to return if the habit of intemperance recurs. The secret vice produces the very worst form of insanity, because it is so difficult to avoid the continuance of the cause, and because the energies of the system are more prostrated by it than by almost any other cause. Such patients become degraded animals, so entirely abandoned to the habit, that hopeless dementia and drivelling idiocy generally follow. A few can be influenced to abandon the practice, and a few others can be cured in spite of it; but in almost all cases the disease will become worse, and these dreadful consequences will ensue.

The secret vice, though doubtless a frequent cause of insanity, and of other severe and fatal diseases, far more than is generally supposed, is most operative in preventing recovery from insanity, arising from this and other causes. It is extensively and alarmingly the result of an active propensity excited by disease and unrestrained by reason, moral influences or self-respect. Many cases of a favorable character progress towards recovery till this practice is commenced, then the patient becomes listless, is inclined to lie down or sit in a bent position, walks moderately, looks feeble and feels weak and miserable. His mind loses its energies, its scope is circumscribed, more and more, till this beastly indulgence occupies all his thoughts, and the remnant of all the physical powers are concentrated to this single effort of gross and debased animal nature. Thus the grovelling sensualist lives often a long life a degraded sufferer, without a manly thought or a moral feeling worthy of his nature or his destiny, and finally leaves the world without the regret of his friends, a useless, burthensome, loathsome object of abhorrence and disgust.



TABLE 11.

*Occupation.*

Farmers, . . . . .	272	Stone-cutters, . . . . .	3
Laborers, . . . . .	178	Soap-makers, . . . . .	3
Merchants, . . . . .	98	Stevedores, . . . . .	2
Shoemakers, . . . . .	89	Broom-makers, . . . . .	2
Seamen, . . . . .	80	Copper-smiths, . . . . .	2
Carpenters, . . . . .	57	Watchmen, . . . . .	2
Manufacturers, . . . . .	35	Drovers, . . . . .	2
Teachers, . . . . .	31	Card-makers, . . . . .	2
Students, . . . . .	31	Glass-makers, . . . . .	2
Blacksmiths, . . . . .	22	Engineers, . . . . .	2
Printers, . . . . .	20	Tobacconists, . . . . .	2
Tailors, . . . . .	14	Weavers, . . . . .	2
Coopers, . . . . .	14	Soldiers, . . . . .	2
Machinists, . . . . .	13	Pump-makers, . . . . .	2
Clergymen, . . . . .	12	Umbrella-makers, . . . . .	6
Painters, . . . . .	12	Snath-maker, . . . . .	1
Cabinet-makers, . . . . .	11	Gilder, . . . . .	1
Bricklayers, . . . . .	10	Sheriff, . . . . .	1
Clothiers, . . . . .	8	Constable, . . . . .	1
Rope-makers, . . . . .	7	Furrier, . . . . .	1
Jewellers, . . . . .	7	News-collector, . . . . .	1
Lawyers, . . . . .	6	Broker, . . . . .	1
Physicians, . . . . .	6	Hatter, . . . . .	1
Sail-makers, . . . . .	6	Mat-maker, . . . . .	1
Millers, . . . . .	5	Stocking-weaver, . . . . .	1
Bakers, . . . . .	5	Bellows-maker, . . . . .	1
Musicians, . . . . .	5	Chair-maker, . . . . .	1
Paper-makers, . . . . .	5	Auctioneer, . . . . .	1
Coachmen, . . . . .	5	Miniature-painter, . . . . .	1
Innkeepers, . . . . .	5	Bookbinder, . . . . .	1
Pedlers, . . . . .	4	Fisherman, . . . . .	1
Harness-makers, . . . . .	4	Dyer, . . . . .	1
Barbers, . . . . .	4	Shipwright, . . . . .	1
Tanners, . . . . .	4	Truckman, . . . . .	1
Book-keepers, . . . . .	4	Britannia-ware-maker, . . . . .	1
Curriers, . . . . .	4	Cashier, . . . . .	1
Gardeners, . . . . .	4	Females not accustomed to labor, . . . . .	177
Wheelwrights, . . . . .	4	Females accustomed to sedentary employments, . . . . .	240
Carriage-makers, . . . . .	4	Females accustomed to active employments, . . . . .	432
Turners, . . . . .	4	Many not classed.	
Calico-printers, . . . . .	3		
Comb-makers, . . . . .	3		
Butchers, . . . . .	3		

TABLE 12.

*Diseases which have proved fatal.*

Marasmus, . . . . .	37	Diarrhoea, . . . . .	3
Apoplexy and Palsy, . . . . .	20	Chronic Dysentery, . . . . .	3
Epilepsy, . . . . .	17	Erysipelas, . . . . .	3
Consumption, . . . . .	16	Disease of the Brain from In-	
Disease of the Heart, . . . . .	13	temperance, . . . . .	2
Suicide, . . . . .	11	Bronchitis, . . . . .	2
Disease of the Brain, . . . . .	7	Old Age, . . . . .	1
Typhus Fever, . . . . .	6	Gastric Fever, . . . . .	1
Hemorrhage, . . . . .	5	Land Scurvy, . . . . .	1
Lung Fever, . . . . .	5	Congestive Fever, . . . . .	1
Cholera Morbus, . . . . .	4	Concussion of the Brain, . . . . .	1
Inflammation of the Bowels, . . . . .	4	Disease of the Bladder, . . . . .	1
Dysenteric Fever, . . . . .	4	Fright, . . . . .	1
Mortification of the Limbs, . . . . .	3		
Dropsy, . . . . .	3	Total, . . . . .	175

Though the number of deaths has been large this year, (24,) it is not greater in proportion to the number in the Hospital than it has been several previous. There has been an uncommon number of persons affected with *general palsy* in our care the present season. Seven have died suddenly, five with symptoms of apoplexy, and two with epilepsy. Many such cases remain whose hold on life is very precarious and uncertain.

A large number of deaths every year are from old, demented, incurable cases, who have little mind left, and no hope of future usefulness.

Deaths from acute diseases, affecting persons recently insane, are exceedingly rare with us; but we have to lament a few every year that have fatal lesion of the brain, or some severe febrile or inflammatory disease which proves fatal.

An insane person laboring under acute disease, has much less prospect of recovery than one who has the possession of his mind, or even one who has delirium, incident to these forms of disease. He cannot be as well nursed, as well prescribed for, or judged of, as one whose reason is undisturbed; and insanity itself often arises from causes, or produces effects, which coincide with the symptoms of acute disease, and render it more likely to be fatal. It is not uncommon for insane persons, when sick with fever or acute inflammation, to keep about, and

sometimes take substantial food till within a short time of death. The maniacal excitement, proving a substitute for muscular strength, gives way suddenly, and the patient dies at once. Some patients who have been greatly excited for many days together, seem to die of exhaustion only. With this there is often combined a fright or alarm that agitates the patient, but which admits of no explanation, the mind being in a condition which precludes understanding; such cases often fail rapidly, and die suddenly.

It is not uncommon that the friends, or their physician, mistake other diseases for insanity, especially an erythematic inflammation of the membranes of the brain, which might generally be fatal if undisturbed, but which is not unfrequently rendered so by a long journey, severe restraints or opposition, and often probably by improper treatment.

The present autumn a case was brought to our care of this description—there had been neither a passage of urine or from the bowels for some days previous. She had dry tongue, rapid pulse, hot skin, and symptoms of great exhaustion. She took a laxative medicine which moved moderately, but she failed rapidly, and in spite of every effort, sunk down and died in forty-eight hours after her admission, and about the end of the second week of her illness.

No epidemic has ever visited this Hospital to any great extent. This year a disease has existed in our neighborhood, affecting many individuals, but two cases only occurred among our patients, one of these very slight, and the other unattended by severe or dangerous symptoms. The deaths that occur are more frequently from newly admitted patients, than from old residents, showing conclusively that the elements of disease and death are generated elsewhere, and not in the Hospital.

Of the twenty-four deaths that have occurred the present year, eighteen were from the 293 patients admitted in the course of the year, and six only from the 263 that remained at the end of the last year.

TABLE 13.

*Showing the Comparative Expense of supporting old and recent cases of Insanity, from which we learn the economy of placing patients in Institutions in the early periods of disease.*

No. of the old cases.	Present Age.	Time Insane.	Cost of support at \$100 per year.	No. of the recent cases discharged.	Present Age.	Time Insane.	Cost of support at \$2.25 per week.
2	71	30 years.	\$3000 00	2077	25	9 weeks,	\$20 25
7	50	19 "	1900 00	2080	30	17 "	38 25
8	62	23 "	2300 00	2087	44	11 "	24 75
12	49	27 "	2700 00	2102	40	11 "	24 75
18	73	35 "	3500 00	2109	56	20 "	45 00
19	61	20 "	2000 00	2110	24	28 "	63 00
21	41	18 "	1800 00	2117	29	28 "	63 00
27	49	18 "	1800 00	2123	23	28 "	63 00
44	58	27 "	2700 00	2128	45	21 "	47 25
45	62	27 "	2700 00	2130	37	15 "	33 75
102	55	27 "	2700 00	2133	33	20 "	45 00
133	46	15 "	1500 00	2135	48	29 "	65 25
209	41	18 "	1800 00	2146	27	9 "	20 25
260	49	18 "	1800 00	2153	22	9 "	20 25
278	51	12 "	1200 00	2156	51	32 "	72 00
319	55	11 "	1100 00	2167	27	26 "	58 50
347	60	16 "	1600 00	2171	30	26 "	58 50
376	42	14 "	1400 00	2178	76	22 "	49 50
425	50	15 "	1500 00	2186	45	20 "	45 00
431	38	15 "	1500 00	2188	25	28 "	63 00
435	57	17 "	1700 00	2198	36	8 "	18 00
451	50	11 "	1100 00	2204	57	12 "	27 00
488	38	19 "	1900 00	2219	14	6 "	13 50
532	71	15 "	1500 00	2230	57	8 "	18 00
467 years.			\$46,700 00	443 weeks.			\$996 75

Whole expense of 24 old cases, at \$100,	\$46,700 00
Average expense of 24 old cases,	1,945 83
Whole expense of 24 recent cases,	996 75
Average expense of 24 recent cases,	41 53

TABLE 14.

*Showing the Duration of Insanity, the Ages and Civil State of Patients in the Hospital, admitted last year and previous years.*

	1833.	1834.	1835.	1836.	1837.	1838.	1839.	1840.	1841.	1842.	1843.	1844.	1845.
<b>Duration before admission:</b>													
Less than 1 year, .	41	56	48	54	72	82	84	75	81	106	129	127	156
From 1 to 5 years, .	27	29	37	37	58	50	63	56	52	58	62	68	89
“ 5 to 10 “ .	27	14	15	13	14	16	18	15	12	13	15	12	15
“ 10 to 20 “ .	31	6	5	11	14	8	10	10	10	5	7	10	19
“ 20 to 30 “ .	12	4	0	2	4	7	1	3	4	5	1	5	5
“ 30 to 40 “ .	3	2	1	2	1	1	1	2	0	4	1	3	0
Unknown, .	12	8	7	6	5	13	2	1	4	7	5	11	9
	153	119	113	125	168	177	179	162	163	198	220	236	293
<b>Duration with those remaining at the end of each year:</b>													
Less than 1 year, .	26	22	21	11	29	28	34	28	32	40	45	51	63
From 1 to 5 years, .	23	25	22	39	51	65	69	75	74	89	74	84	128
“ 5 to 10 “ .	20	24	34	35	38	44	44	52	53	38	55	45	63
“ 10 to 20 “ .	28	24	20	35	41	41	52	52	45	37	52	49	66
“ 20 to 30 “ .	7	5	3	7	11	18	14	13	15	18	19	14	18
“ 30 to 40 “ .	2	2	4	2	2	3	4	5	4	6	4	7	7
Unknown, .	8	16	6	9	13	19	12	11	9	10	6	13	15
	114	118	119	138	185	218	229	236	232	238	255	263	360
<b>Ages of patients when admitted:</b>													
Under 20 years, .	2	12	4	11	13	17	10	10	7	14	15	16	20
From 20 to 30 years, .	34	31	23	29	58	47	47	46	50	55	48	64	92
“ 30 to 40 “ .	46	31	36	32	34	51	49	40	45	44	62	65	63
“ 40 to 50 “ .	35	31	28	26	31	32	30	34	31	46	39	43	42
“ 50 to 60 “ .	14	8	13	14	13	20	21	21	19	24	38	26	49
“ 60 to 70 “ .	17	5	6	13	12	8	14	6	9	12	11	17	18
“ 70 to 80 “ .	3	0	3	0	7	2	8	5	1	2	5	3	8
Over 80 years, .	2	1	0	0	0	0	0	0	1	1	2	2	1
	153	119	113	125	168	177	179	162	163	198	220	236	293
<b>Civil state of patients when admitted:</b>													
Single, .	92	71	52	68	94	101	80	75	82	108	92	114	165
Married, .	38	40	46	49	61	65	75	71	63	76	103	102	105
Widows, .	12	4	8	6	11	5	17	12	13	12	17	17	16
Widowers, .	11	4	7	2	2	6	7	4	5	2	8	3	7
	153	119	113	125	168	177	179	162	163	198	220	236	293

TABLE 15.

*Showing the Comparative Curability of Insanity, treated at different periods of Disease.*

	Total of Cases.	Total of each Sex.	Cured or Curable.	Incurable.
Of less duration than 1 year,	1115			
Males, . . .	.	529	466	63
Females, . . .	.	586	527	59
From 1 to 2 years, . . .	387			
Males, . . .	.	196	105	91
Females, . . .	.	191	117	74
From 2 to 5 years, . . .	360			
Males, . . .	.	209	65	144
Females, . . .	.	151	57	94
From 5 to 10 years, . . .	202			
Males, . . .	.	115	14	101
Females, . . .	.	87	12	75
From 10 to 15 years, . . .	121			
Males, . . .	.	60	5	55
Females, . . .	.	61	4	57
From 15 to 20 years, . . .	42			
Males, . . .	.	29	1	28
Females, . . .	.	13	0	13
From 20 to 25 years, . . .	32			
Males, . . .	.	18	0	18
Females, . . .	.	14	0	14
From 25 to 30 years, . . .	10			
Males, . . .	.	8	0	8
Females, . . .	.	2	0	2
Over 30 years, . . .	13			
Males, . . .	.	5	0	5
Females, . . .	.	8	0	8

Some unknown.

TABLE 16.

*Showing the Comparative Curability of Insanity attacking at different ages.*

	Total of Cases.	Total of each Sex.	Curable.	Incurable.
Under 20, . . . .	270			
Males, . . . .	.	135	58	78
Females, . . . .	.	135	38	47
From 20 to 25, . . . .	335			
Males, . . . .	.	187	101	86
Females, . . . .	.	148	100	48
From 25 to 30, . . . .	318			
Males, . . . .	.	169	85	84
Females, . . . .	.	149	99	50
From 30 to 35, . . . .	302			
Males, . . . .	.	159	87	72
Females, . . . .	.	143	93	50
From 35 to 40, . . . .	261			
Males, . . . .	.	123	68	55
Females, . . . .	.	138	92	46
From 40 to 45, . . . .	195			
Males, . . . .	.	108	72	36
Females, . . . .	.	97	63	34
From 45 to 50, . . . .	163			
Males, . . . .	.	78	50	28
Females, . . . .	.	85	64	21
From 50 to 55, . . . .	155			
Males, . . . .	.	73	48	25
Females, . . . .	.	82	59	23
From 55 to 60, . . . .	78			
Males, . . . .	.	39	26	13
Females, . . . .	.	39	24	15
From 60 to 65, . . . .	71			
Males, . . . .	.	32	21	11
Females, . . . .	.	39	27	12
From 65 to 70, . . . .	34			
Males, . . . .	.	22	14	8
Females, . . . .	.	12	8	4
From 70 to 75, . . . .	23			
Males, . . . .	.	13	6	7
Females, . . . .	.	10	9	1
Over 75, . . . .	17			
Males, . . . .	.	6	3	3
Females, . . . .	.	11	5	6

Some unknown.

TABLE 17.

*Showing the relation of Causes to Recovery.*

PHYSICAL CAUSES.				
Ill-health, puerperal, followed fever, measles, wounds, &c., . . .	443			
Males, . . .	.	88	50	38
Females, . . .	.	355	259	96
Intemperance, . . .	287			
Males, . . .	.	259	141	118
Females, . . .	.	28	15	13
Masturbation and its results, debility, weakness, &c., . . .	158			
Males, . . .	.	143	39	104
Females, . . .	.	15	1	14
Epilepsy, . . .	56			
Males, . . .	.	47	7	40
Females, . . .	.	9	0	9
Palsy, . . .	44			
Males, . . .	.	32	5	27
Females, . . .	.	12	2	10
MORAL CAUSES.				
Religious, including Mormonism, Millerism, Fanaticism, &c., . . .	196			
Males, . . .	.	102	74	28
Females, . . .	.	94	66	28
Afflictions, trouble, love, fright, fear of death, future punishment, &c., . . .	397			
Males, . . .	.	117	71	46
Females, . . .	.	280	171	109
Anxiety about property, fear of poverty, &c., . . .	129			
Males, . . .	.	103	60	43
Females, . . .	.	26	16	10



TABLE 18.

*Showing the causes of Insanity as affecting persons pursuing different Occupations.*

OCCUPATIONS.	Intemperance.	Ill-Health.	Masturbation.	Domestic Afflictions.	Religious.	Property.	Disappointed Affection.	Disappointed Ambition.	Epilepsy.	Wounds on the Head.	Jealousy.	Fight.	Total.
Farmers, . . .	60	10	24	20	24	26	3	0	8	1	3	0	179
Shoemakers, . . .	9	5	24	4	10	5	2	0	1	1	0	1	62
Laborers, . . .	67	3	15	4	8	6	0	0	3	0	1	2	109
Seamen, . . .	31	1	6	3	6	6	0	0	0	0	3	0	56
Merchants, . . .	11	2	32	2	4	15	0	0	2	0	0	1	69
Carpenters, . . .	15	5	7	2	8	6	3	0	2	0	0	1	49
Blacksmiths, . . .	4	1	1	0	1	4	2	0	0	0	0	0	13
Students, . . .	0	2	18	2	2	0	0	0	1	0	0	0	25
Clergymen, . . .	0	0	4	0	1	1	1	0	0	0	0	0	7
Lawyers, . . .	2	0	2	1	0	1	0	0	0	0	0	0	6
Physicians, . . .	2	0	0	0	0	1	1	0	0	0	0	0	4
Painters, . . .	0	0	11	1	0	0	1	0	1	0	0	0	14
Manufacturers, . . .	9	0	3	0	4	3	1	1	0	1	0	0	22
Barbers, . . .	0	1	0	0	1	0	0	0	0	0	0	0	2

When there is a strong constitutional tendency to insanity, it is a question of serious magnitude to decide what course to pursue with offspring to ward off the danger and protect the system from its accession. All that can be said of hereditary predisposition is, that it increases the liability to disease ; it is never, strictly speaking, a cause. Some other influence must be brought to bear upon the individual before he will have gout, consumption, scrofula, epilepsy, insanity, or any other hereditary disease. The course adopted by parents and teachers in this matter, is often a mistaken one. Strong propensities should generally be checked, not encouraged. The student should be taught to be active, and the active be restrained and made to study. If the nervous system is exceedingly susceptible, the muscular and circulating systems should be encouraged to activity so as to balance this unequal tendency. If the child is disposed to be rough, passionate, and quarrelsome, he should be subjected to gentle influences, mild diet, and female society

and instruction. Obedience to well directed authority is essential to any suitable control and salutary management. Unrestrained passion, ungoverned appetite and unlimited indulgence, are probably more frequently the causes of insanity, diseases of the heart, and other severe nervous affections, than hereditary predisposition; they establish a predisposition where none existed, and may also prove an exciting cause of disease in the very cases in which they have given the tendency.

There are many cases of children where the mind is too active for the body; intense application wears upon the physical powers and induces disease. In others, all the energies of the system are devoted to gratify animal wants and the lower propensities. Of all things, precocity should be discouraged; the very indication of it is a proof of incipient disease of the brain, which, if encouraged, will inevitably result in concentrating the elements of death upon the brain or some vital organ. The common impression that the young must be permitted to pursue their own inclinations in the business of life, is not always sound discretion. The character should be moulded by training, and the inclinations be changed when they tend to develop the causes of disease which hereditary propensity or acquired tendency has established. This can always be done by suitable training, and this is the great business of education. It is not so much to store the mind with knowledge as to train the faculties, lop off excrescences, and cultivate what is feeble and improperly developed, thus making a well balanced mind, fortified to meet the evils of life, to overcome difficulties and to bear with good spirit the unavoidable calamities that will meet us. Knowledge can be acquired at any age, but the foundation of a useful and happy life must be laid by correct discipline in youth, when the susceptibilities are tender and the confidence in parents and teachers, leading to no suspicions of error, is paramount and abiding. Many of the evils of life, the imperfections of character, the sufferings to which after-life is incident, and many of the failures of youth to accomplish anticipated results, arise from education founded on incorrect principles, and pursued to the accomplishment of undesirable ends. Such are also the foundations of disease, and especially insanity. When we witness the great number of cases of insanity arising from improper influences, education, habits, unrestrained desires and propensities, we have little cause to seek for natural tendencies, but great reason to lament over evils now established in the character and the life, which an early, correct discipline, would have averted.

TABLE 19.

*Showing the state of the Moon at the commencement of a paroxysm of excitement in 125 cases of Periodical Insanity, amounting in all to 875 paroxysms. Also, the relation of the Moon to the 175 Deaths which have occurred in the Hospital.*

NUMBER OF PAROXYSMS EACH DAY.					NUMBER OF DEATHS EACH DAY.				
Day of the Moon.	Whole No.	Male.	Female.	Day of the Quarter.	Day of the Moon.	Whole No.	Male.	Female.	Day of the Quarter.
1	25	17	8	1	1	4	2	2	1
2	51	28	23	2	2	9	6	3	2
3	32	17	15	3	3	11	5	6	3
4	34	16	18	4	4	6	3	3	4
5	27	12	15	5	5	9	4	5	5
6	34	16	18	6	6	9	5	4	6
7	44	22	22	7	7	8	1	7	7
End of 1st qr.					End of 1st qr.				
8	39	21	18	1	8	7	4	3	1
9	27	16	11	2	9	9	3	6	2
10	20	9	11	3	10	3	3	0	3
11	30	13	17	4	11	3	1	2	4
12	29	17	12	5	12	6	3	3	5
13	28	15	13	6	13	8	6	2	6
14	39	18	21	7	14	6	4	2	7
End of 2d qr.					End of 2d qr.				
15	39	23	16	1	15	4	3	1	1
16	22	11	11	2	16	10	6	4	2
17	36	22	14	3	17	6	3	3	3
18	18	9	9	4	18	2	2	0	4
19	26	17	9	5	19	3	2	1	5
20	37	21	16	6	20	8	5	3	6
21	32	18	14	7	21	7	4	3	7
End of 3d qr.					End of 3d qr.				
22	31	16	15	1	22	4	3	1	1
23	34	13	21	2	23	5	2	3	2
24	39	21	18	3	24	7	3	4	3
25	29	13	16	4	25	7	4	3	4
26	26	12	14	5	26	7	4	3	5
27	19	9	10	6	27	0	0	0	6
28	28	17	11	7	28	7	5	2	7
Paroxysms,	875				Deaths,	175			

There have been added to this table, on the moon, 19 new cases of periodical insanity, making 125 cases, and 86 new paroxysms of excitement, making, in all, 875 paroxysms, also 24 deaths, which makes in the whole 175 deaths in 13 years, which is an average of 13½ annually.

The results of this year are more favorable to the theories which have been promulgated on the subject of lunar influence, but lead to no results, as a whole, to sustain the theory.

Of the cases of excitement recorded, 51 of the 86 occurred at the new and full moon, and 35 at the quadratures; this is considerably in favor of the popular theory. Of the 24 deaths, 11 occurred at the period of excitement, and 13 at the period of collapse; a trifle against the theory. Of the 24 deaths, 11 occurred at the period of excitement, at the new and full moon. Of these deaths, one was from disease of the brain, two from disease of the heart, one from lung fever, two from epilepsy, one from fright, one typhus fever, one marasmus, one dysentery, and one consumption. 13 deaths occurred at the quadratures or periods of collapse, two from typhus fever, three from apoplexy, one suicide, two from palsy, two from marasmus, one from consumption, one dysentery, and one from disease of the heart. The deaths of five cases of acute disease were in the period of excitement. One of acute disease of the brain, one of acute epilepsy, one of lung fever, one of dysentery, and one of typhus fever.

Though I have not been able to discover any direct influence of the moon in the production of insanity, or in the occurrence of the paroxysms in periodical cases, it cannot be denied that there is such a thing as regular periodicity with regard to the functions of the animal economy, and to certain diseases affecting the system. The menstrual period is a lunar period; almost all fevers have weekly or semi-monthly tendencies to crisis. The most acute often terminate at the end of the first week, and the more protracted at the end of the second, third, or fourth week. Epilepsy often occurs at nearly regular lunar periods, and many of the friends of patients say that this disease and the excitements of insanity occur most frequently at the new and full moon. If these coincidences were observed only by the ignorant and superstitious, they might pass unnoticed as too intimately connected with preconceived notions and partial examinations of occurrences to establish and sustain what tradition has handed down as true; but men of the greatest science and closest observa-

tion, such as Mead, Sydenham, Balfour, Orton, Allen, and Morrison, recognize such influence. It is at this time a subject of close philosophical investigation, which should be encouraged and examined, rather than ridiculed and rejected.

TABLE 20.  
*Of Per Cent.*

	1834.	1835.	1836.	1837.	1838.	1839.	1840.	1841.	1842.	1843.	1844.	1845.
Recovery of cases of less than one year, . . .	82	82	84	89	86	90	91	91	91	88	93	89½
Recoveries of all discharged, . . .	54	46	53	57	52	47	53	49	46	59	54	62½
Recoveries of old cases, . . .	20	16	19	25	15	17	22	21	16	29	24	31½

*Per Cent. of cases from the most prominent Causes each year.*

	1833.	1834.	1835.	1836.	1837.	1838.	1839.	1840.	1841.	1842.	1843.	1844.	1845.
Ill-health, . . . . .	8	18	21	22	21	28	27	25	23	18	16	15	13
Religious, . . . . .	9	6	7	7	6	9	5	4	4	9	13	9	7
The Affections, . . . .	14	12	17	16	16	15	25	17	13	15	9	10	14
Property, . . . . .	7	11	9	6	6	10	6	5	4	5	7	3	9
Intemperance, . . . . .	25	24	23	15	10	16	8	12	12	8	6	8	10
Masturbation, . . . . .	5	6	7	16	21	6	8	7	6	4	3	2	6

*Per Cent. of Deaths of all in the Hospital each year.*

1833	1834	1835	1836	1837	1838	1839	1840	1841	1842	1843	1844	1845
2½	3½	3½	3½	3½	4½	5½	3½	3	2½	4½	3	4½

Per cent. of deaths of the whole number, 175 of 2306, . . . . . 7½

Per cent. of deaths of the average number the last year, 24 of 316, . . . . . 7½

*Per Cent. of the Recoveries compared with the admitted.*

There have been in the Hospital 2306 patients, of whom 1038 have recovered, which is . . . . . 44½ per cent.

There have been admitted to the Hospital the last year, 293 patients, and there have recovered 122, which is . . . . . 42 per cent.

There have been admitted 156 cases of duration less than one year; of these, 93 have recovered, which is . . . . . 62 per cent.

Many others are convalescent.

**LABOR.** The labor of the Hospital, whether considered as economical, pecuniary, or remedial, is becoming more important every year. It may now be divided into domestic, mechanical, horticultural, and farming.

Domestic labor divides into a number of branches and departments. The sawing of wood, supplying the fires, procuring vegetables, and assisting in preparing them for cooking, the feeding of stock, milking cows, &c., daily employ many individuals, and furnish them agreeable and healthy exercise.

Many women and a few men assist in cooking, both in the kitchens and bakery, making themselves useful, and spending their time agreeably. Since our last report, an excellent bakery has been erected, and has been in operation nearly a year. All the bread, pastry, &c., consumed in the establishment, are here prepared. This is considered not only convenient but truly economical. Two persons, a man and woman, do all the baking for the family, which consists of between four and five hundred persons. The bread, throughout the establishment, is uniform, and is used when in the most palatable and healthy condition.

One patient, a young man, is constantly employed in the bakery, and is making good progress in learning the trade.

At the close of the last year, our new laundry went into successful operation. In this department of domestic labor, more female patients are constantly employed than in any other. Two male patients are constantly employed here, and occasionally more; one turns the mangle, the other plies the washing-machine. The washing is mostly done by steam, and the building warmed conveniently and cheaply by steam pipes. Ten or twelve women daily spend five or six hours in this department, assisting in the washing, ironing and mending the garments. The rooms for labor are pleasant and the patients usually volunteer to do this labor.

In winter and bad weather, the large attic of this building is used for drying, and artificial heat is applied. In summer and pleasant weather, the drying is done in the open air. A convenient airing room, contiguous to the ironing room, is used for hanging clothes in a high temperature, thus securing perfect dryness when used. The overseer of the laundry collects the clothes from the different apartments, taking a list of the articles, and on certain days of the week sees that they are washed, ironed, and mended, and returns them to their places, being responsible for their safe return, as well as for the proper operation of his department, in every respect.

These two new buildings, the bakery and laundry, situated somewhat remote from the house, are a great acquisition to the Hospital. Washing should never be performed in the basement rooms of a Hospital. The steam, and particularly the effluvia arising from soiled clothes, is always offensive in the apartments above. Basement rooms are rarely pleasant, and often unhealthy from dampness and coldness.

If it is an object to secure respectable help in these departments, and to employ a large number of patients, it is desirable that the apartments should be commodious, well lighted and pleasant.

The preparation and packing of fuel for the fires in the house, furnish much labor for a class of patients who are employed in the garden and on the farm in summer. This furnishes healthy employment for them, and is sought by many more than can be engaged in it. This labor is almost exclusively performed by patients.

The care of stock and poultry is the favorite labor of some patients. One man devotes himself to the horses, others to the oxen, &c., taking the best care of them.

**MECHANICAL LABOR.** In the mattress shop much labor has been performed the past year. All the mattresses for the new wings were made here, and many others have been made over. This shop has been profitable to the institution, and is a convenience that could not well be dispensed with. One patient makes most of the mattresses, others assist him in untwisting the rope, picking the hair, and other minor duties connected with the employment.

The **SHOE SHOP** is another valuable department of Hospital labor, The profit in this shop is small, as the principal object of engaging in the business was to furnish employment to shoemakers, who abound in the Hospital, to make better and cheaper work than we could have made for us elsewhere, and to do our own mending, which is a consideration of some magnitude, employing at least one hand constantly. The results of this department of labor have always been satisfactory, and still continue to be so.

The following is a statement of the labor and expenses of this shop, furnished by the overseer :—

Amount of work done for Officers, Overseers, and Assistants,	\$450	59
For Patients,	630	96
Shoes on hand,	85	00

Stock on hand,							\$35 00
							<hr/>
							\$1,201 55
Expended in stock,					\$591 01		
Wages of Overseer,					233 67		
Board of       “					101 53		
Binding,					35 00		
Fuel,					20 00		
Stock on hand at the commencement of the year,					90 00		
					<hr/>		\$1,071 21
							<hr/>
Balance,							\$130 34

One female patient has bound 1050 pairs of shoes the past year; 666 pairs for this shop and 384 pairs for another, besides a considerable amount of other needle work. Others are equally industrious as seamstresses, laundresses, &c.

Many patients have been employed in the carpenter's shop the past year. Most of the bedsteads and tables for the new wings, have been made here. There is no want of employment for a good mechanic in this shop and about the premises, or for as many patients as can be furnished with benches and tools. In such a large establishment, repairs and improvements are daily called for, and as much benefit in proportion to their numbers, is derived from the active labor of these artisans during convalescence, as from any other laborers, not even excepting farmers and gardeners.

One patient, after getting over his excitement, continued his labor till he paid all his own bills for board at the Hospital, and had more than enough money remaining to bear his expenses home. Another paid a large share of his expenses while here, and recovered from deep melancholy, which had continued many months. He returned home cheerful and happy.

A man, now favorably convalescing, thinks he shall not be able to return home next month, as he has engaged to make so many hand-sleds for coasting and labor.

The seamstresses' room is the next important department of labor at the Hospital. This is a new and well adapted apartment, over the bakery. In this, two tailoresses and a dress-maker find constant employment in making and mending garments, in which they are assisted by many female patients. This assistance is not only very important to the institution, but very useful to the patients themselves. A larger



proportion of the women are regularly and constantly employed than of the men ; sewing, knitting, and embroidery occupy the time of a large number who do not seek more active employments.

In my last report, I gave briefly the history of the case of a girl twelve years old, who had been insane from infancy. She has recently come under my care, and is now in the Hospital. No change had taken place in her mind when she came to us, nor had her friends been able to teach her. She apparently failed to learn for want of the power of attention. When she first came under my care she seemed incapable of doing any thing requested of her regularly. Her habits were, in many respects, bad, and her passions were frequently excited by an attempt to teach her. Our first effort was to correct some of her disagreeable habits, one of which was a continued spitting upon herself and the floor. This habit was entirely controlled in a few weeks. She was next made to take an interest in piling blocks, which were daily brought to her. When she got out of patience with these, she repeatedly threw them out of the window, and would neither go for them nor put them away. After a time, she became interested in them, amused herself very much with them, and will now pack them nicely in the box when she has done with them, and go for them when she desires to renew the amusement. After this she took a fancy to dolls, in which she became greatly interested ; she will now dress them and amuse herself with these, and other toys familiar to children. She has recently assisted in setting the table, goes to the fountain, procures water, and fills the cups for the boarders in the wards, and does such errands for the attendants as they can make her understand. The greatest advance that has been made in the improvement of her mind and power of attention, is in teaching her to sew. For a long time all the efforts to accomplish this seemed unavailing. Her attendant would place the needle in her hand, pass it through the cloth, and assist to draw it through, and finish the stitch, but the child failed to accomplish the whole, and it seemed doubtful whether she would be able to do it. Her faithful attendants persevered, and, finding an increased interest in the employment, were encouraged to continue their efforts, and she is now able to sew a very decent seam, and improves rapidly in this new and advanced department of knowledge. The success of these efforts encourages us to persevere. It is easier to advance in improvement than to begin it, and we are not without hope that this interesting being will not only be able to take care of herself, but in some degree, to be useful to her friends, and perhaps gain knowledge which shall show her her own re-

sponsibilities, moral duties and obligations. It is no small achievement in any case to make a responsible agent out of an irresponsible one, but to make an intelligent woman of an insane infant, who has grown to womanhood without developments of mind or morals, is an attempt worthy of patient trial.

**FARM AND GARDEN.** Since the report of last year, about ten acres of land has been added to the farm. Most of this was unreclaimed meadow land, capable of being made very valuable. Besides this, the Hon. Stephen Salisbury has purchased a farm of twenty-seven acres, contiguous to our own, for the benefit of the Hospital. We can have the use of this by paying annually the interest of its cost, and the fee of the land when the principal shall be paid. It is a very desirable and necessary addition to our domain, and the price is very reasonable.

No department of labor is more profitable to the Hospital or beneficial to the individuals employed, than these out-door labors, and more persons labor regularly in them than in all other business, at the seasons when they can be pursued. The same class of patients do much at improvements. They have this year dug the stone and laid sixty rods of heavy, substantial wall, cleared six acres of land of a great quantity of stone and stumps, made a good road in front of the Hospital, graded the land where the old road was, made hedges and banks, and transplanted trees and shrubbery.

The quantity of the products of the farm and garden, is given in the following statement, with the value as estimated by the Steward :—

30 tons of hay, at \$17 00 per ton,	.	.	.	\$510 00
145 bushels of onions, at . 67 cents,	.	.	.	97 15
30 " " tomatoes, at . 50 "	.	.	.	15 00
30 " " green peas, at \$1 00 "	.	.	.	30 00
50 " " early potatoes, at 75 "	.	.	.	37 50
60 " " late potatoes, at 40 "	.	.	.	24 00
200 " " corn, at \$1 00 "	.	.	.	200 00
20 " " soft corn, at . 50 "	.	.	.	10 00
200 " " beets, at . 50 "	.	.	.	100 00
60 " " parsnips, at . 75 "	.	.	.	45 00
1134 " " carrots, at . 30 "	.	.	.	340 00
2000 cabbages, at 4 cents,	.	.	.	80 00
400 lbs. of broom corn,	.	.	.	26 00

20 bushels broom corn seed, . . . . .	\$6 00
3000 winter squashes, . . . . .	45 00
3 loads of pumpkins, . . . . .	4 00
Corn fodder, . . . . .	25 00
Garden vegetables, . . . . .	100 00
Poultry, 600 lbs., . . . . .	60 00
Pasturing 15 cows, . . . . .	250 00
Milk, 38,000 quarts, at 4 cents, . . . . .	1,520 00
Pork, 7,666 lbs., at 6½ " . . . . .	479 12½
Beef, 8372 lbs., at 5 " . . . . .	418 60
Pigs sold, . . . . .	55 00

The season was dry, and the hay fields, pastures and gardens suffered much from the drought. The stock has been fed from the farm and gardens. Stock on hand, 4 oxen, 17 cows, 6 horses, 1 bull, and 41 swine.

It is very desirable that the farm purchased by the gentleman for our benefit should be secured to the Hospital. It is good land, lying contiguous to our present farm, is fitted for any culture, and is daily becoming more valuable. Much of it is well fitted for hay and pastures, and the labor bestowed upon it the present year has enhanced its value since the purchase.

The high price of provisions the present year may so exhaust the resources of the Hospital, that there may be no money to pay for land, but the government, looking well to the interests of the Commonwealth, will not fail to secure such a valuable possession to the institution.

**LIBRARY.** Next to labor, I consider reading and writing the most valuable employments for the insane. One of the most troublesome circumstances connected with an insane mind, is the loss or diminution of the power of attention; and one of the most unfavorable circumstances attending its recovery, is, that this power cannot be regained or sufficiently excited, so that the mind can concentrate its energies upon one thing, to the degree necessary to accomplish any useful design. Labor often assists greatly in fixing the attention to a single object or operation, so that the individual can accomplish it. By this, an important point is gained. The mind is made to act in its accustomed healthy channels, the disorder of the mental machinery is for the time removed, and its natural action adjusted. Even if this is temporary, it is well, for if one operation of the mind is right and rational, others may be-

come so by association, and the healthy balance be finally restored. Reading has a tendency to bring about this favorable result. If the subject is interesting, it excites attention. It often produces healthy influences and impressions ; these dispel delusions and false judgments, and leave the mind in a more healthy state. A person may labor at simple employment to which he has been accustomed, without giving much attention to his work, so also an individual may read without thought, and with little benefit. This forms no argument against the principle above advanced, but is an exception to it.

Writing often forms a better test of the state of the mind and the power of attention. No insane person, whose faculties are all affected, can write a well connected letter or other composition. Attention must be given to the form and manner of writing, no less than to the ideas expressed, or it will result in an unintelligible scribble. Many monomaniacs write well upon subjects disconnected with their delusions, and the extent of these delusions is often more fully learned by their writing upon the subject than in any other way.

We are greatly indebted to many long-continued friends for frequent contributions to our stock of reading. Newspapers and periodicals come to us gratis, not only from every part of this Commonwealth, but from the neighboring States. From year to year, these weekly messengers have reached us, and are sought for with avidity, and read with pleasure.

I acknowledge with gratitude, the receipt of books and periodicals for our library from Rev. Dr. Parkman, Rev. Louis Dwight, and Rev. Thos. F. Norris, of Boston ; Henry K. Newcomb, Esq., S. F. Haven, Esq., Clarendon Harris, Esq., J. W. Goodrich, Esq., J. S. C. Knowlton, Esq., Rev. Mr. Hubbard, Thompson's express, and Leonard's express, Worcester ; Mr. and Mrs. Josiah Hayward, Sturbridge ; Miss E. P. Woodberry, Beverly ; Rev. C. Simmons, Dr. Batchelder, Utica, N. York.

It gives me great pleasure to say that we regularly receive from the editors the following newspapers, for which we return our warmest thanks, and a copy of this Report :—The Boston Recorder, Olive Branch, Youth's Companion, Christian Watchman, Christian Witness, Zion's Herald, Springfield Republican, Springfield Gazette, Hampshire Gazette, Greenfield Mercury, New Bedford Mercury, Fall River Monitor, Old Colony Memorial, Keene Sentinel, New Hampshire Patriot, Haverhill Democrat, Gospel Messenger, Advocate of Peace, Harbinger, Temperance Standard, Congregational Visiter, Christian Citizen, Wor-

Worcester Cataract, National Ægis, State Sentinel, Worcester Transcript. Besides these, large bundles of exchange papers are frequently sent to us from printing offices in Worcester and Boston.

The ladies of our family have received \$125 from the sale of articles made in their sewing society, which has been appropriated for the benefit of the library.

**RELIGIOUS SERVICES.** Twice on each Sabbath our family assemble for worship in the Chapel, and hear interesting and instructive lessons of religious truth. These services are always appropriate, solemn and impressive. The Rev. George Allen continues to be our chaplain, and with rare judgment and skill selects subjects unobjectionable to any, and presents them in a manner calculated to do much good. His evening prayers and reading of the Scriptures are well approved by all who hear him, and always exceedingly appropriate and interesting. The music at these daily services is always good, often excellent, and we are under great obligations to our spirited choir of singers for their valuable aid in chapel and devotional exercises.

Our Chapel, 80 feet long by 30 feet wide, is well filled on the Sabbath with worshippers from our family. About 300 are usually present, and their quiet and orderly demeanor has ever excited the admiration of strangers, and won the confidence and approval of the officers, who, with their families, are invariably present.

The regular evening prayers have now been continued nearly two years, with most satisfactory results.

The subject of religious worship for the insane, is no longer a problem with us. We consider it no less important, and hardly less influential with the insane than with the rational mind. If, as is said by a modern author, the moral character is let loose, and the moral sense blunted by insanity, it forms no argument unfavorable to religious teaching. The frequent impressions of religious truth cannot fail to have a salutary influence on such minds, and I have the fullest confidence that impressions are left on the insane which have a most beneficial effect on future conduct and character.

The Bible is put into the hands of all the insane with almost universal benefit. We occasionally find patients turning over its pages to discover confirmation of their own impressions of personal wickedness—others to seek denunciations of characters, such as they suppose themselves to possess. These cases are few, while the many read it

for instruction, direction, consolation and support, indeed with the same intention with which it is read by mankind abroad.

Religion should be the basis of government, and the bible is the basis of true religion. Without the bible or its influence in education, man, even in this day, is a semi-barbarian. Whether he is abroad or in seclusion, the oracles of truth influence his character, chasten his feelings, and make him better. The insane man who reverences religion and consults his bible, has more self-respect, more control over his feelings, more love of order and truth, and is a better patient than he who is ignorant of the law of love given in those sacred pages, or who has been educated to disregard the institutions and duties of religion.

A violent maniac in the periods of his excitement and passion will break over all the boundaries of propriety in his language and conduct, but when his excitement begins to subside, the benign precepts of his religion again have influence over him, and aid him to enforce self-government, and gain the mastery over his feelings.

Ten years ago it was the general impression that religious influence was of doubtful utility to the insane. Not an institution in this country had devotional exercises or stated religious worship on the Sabbath. When the Chapel, in connexion with the Hospital, was in contemplation, the Commissioners, appointed by the government, made a contract to erect a building to accommodate about one hundred persons. One distinguished member of that board was absent on public business when this contract was made. After his return, a meeting was called to sanction what his associates had done. At that meeting I presented every consideration in my power to induce them to enlarge the plan. It was considered perfectly absurd by most individuals in that commission, to think of ever gathering one hundred patients in a Chapel. My friend joined with me, and insisted that he would not consent to the construction of any Chapel that did not accord with my wishes. In consequence of this decision, the contract was broken up, and the present Chapel, for 250 patients, was erected. On the day of dedication, more than 120 patients were present. This was the first religious meeting that had ever been held here. Since that time the Chapel has been enlarged, and will now accommodate from 3 to 400 persons. It is generally well filled every Sabbath.

**CONCLUSION.** It is with sincere pleasure that I bear testimony to the faithfulness and devotion of the Steward and Matron, Mr. and Mrs. *Hitchcock*, and of the Assistant Physicians—Doctors, John R. Lee and

Rufus Woodward, all of whom have labored assiduously to promote the comfort of the patients and the welfare of the Hospital. I should do great injustice to my own feelings, to omit, on this occasion, to acknowledge my obligations to the Supervisors, Mr. and Mrs. Mirick, to the Overseers of the Departments, and all persons employed in the Hospital. I have always been fortunate in collecting around me faithful, competent and discreet men and women, who have felt that they had duties to perform, responsible, self-sacrificing and difficult. The persons employed here are respectable and well educated, belonging to the substantial yeomanry of the Commonwealth, not menials, not servants ; all have duties assigned to them for the fulfilment of which, they are responsible. No individual who uses intoxicating drink is employed, and those who do not use tobacco are preferred.

All the improvements projected by the Trustees and approved by the government in connexion with this great establishment, are now completed. Every department is in the care of faithful and experienced officers, and the system of management seems well adapted to promote its best interests.

I am admonished by the lapse of *thirteen years*, since I assumed the management of this institution, that I should resign the charge into other hands, before age shall compel me to relinquish it, or the time shall arrive when I may not be able to judge of my own qualifications for the trust. I was here at the opening of the institution, received the first patient, and have since received more than *twenty-three hundred*, a greater number than were ever in the care of one man in this country. I am now the senior Superintendent, both by age, and duration of office.

I have enjoyed much in my intercourse with this unfortunate class of individuals. I have witnessed, with much satisfaction, the gleaming of intellect, which had been long shrouded by insanity ; have seen hopes revive, delusions vanish, false judgments give way to returning reason, and the mind and moral sensibilities restored, and established in health and vigor. There are pleasures to be derived from rendering good custodial care to the insane who have been neglected, abused, and subjected to various sufferings ; but to be instrumental in the *recovery* of the insane, affords higher enjoyment, and is an abundant reward for all needed sacrifices and efforts. In Hospitals for the insane, there are many trials, and I have had my share. In my intercourse with patients, however, where few have repelled me, hundreds have greeted me cor-

dially and affectionately, and after recovery, have left me with grateful hearts and kind benedictions.

During my residence here, I have received from the Trustees all the assistance I could ask or desire. They have sustained me under all circumstances, encouraged me in all difficulties, and have afforded me every necessary facility in my labors. We have met as strangers, and parted friends.

The duties of this station are not likely to lessen. They require energy, firmness, and unceasing vigilance. This Hospital cannot stand still while others are progressing. Nothing should be spared to make it perfect. Massachusetts will not be out done in her care and provision for the insane. Improvements will, from time to time, require expenditures. If they are met with the same liberal spirit as heretofore, and the institution be as well sustained, she will ever have reason to be proud of her State Lunatic Hospital.

Commending it to the scrutiny and guardian care of the government, and the protection of a wise and beneficent Providence, I close, and respectfully submit this report.

SAMUEL B. WOODWARD.

STATE LUNATIC HOSPITAL, }  
Worcester, Mass., Nov. 30th, 1845. }



STATE LUNATIC HOSPITAL.

[Jan.

1846.		THERMOMETER.				BAROMETER.				WIND.				WEATHER.				Inches of Rain.	REMARKS.
Day of Month.	Day of the Week.	Sunrise	2 P. M.	Sunset	Sunrise	2 P. M.	Sunset	Sunrise	2 P. M.	Sunset	Sunrise	2 P. M.	Sunset	Sunrise	2 P. M.	Sunset	Sunrise	Inches of Rain.	REMARKS.
1	Wednesday	28	45	40	29.18	29.12	29.12	S. W.	N. W.	W.	Cloudy	Fair	Cloudy	Cloudy	Fair	Cloudy	Cloudy	-	
2	Thursday	23	29	24	29.42	29.48	29.53	N. W.	N. E.	N. W.	Fair	do	Fair	Fair	do	Fair	Fair	-	
3	Friday	12	28	26	29.69	29.64	29.60	do	N. E.	S. E.	Cloudy	Cloudy	Cloudy	Cloudy	Fair	Cloudy	Cloudy	.30	Rain in the night.
4	Saturday	36	43	38	29.15	29.25	29.31	S. W.	N. W.	N. W.	do	do	do	do	Fair	do	do	-	
5	Sunday	20	43	41	29.23	29.10	29.10	S. W.	N. E.	N. E.	do	do	do	do	Cloudy	Cloudy	Cloudy	-	
6	Monday	26	25	24	29.40	29.50	29.53	N. W.	N. E.	N. E.	do	do	do	do	Rain	Rain	Rain	.37	5 inches of snow.
7	Tuesday	20	27	27	29.25	29.09	29.05	S. W.	N. E.	N. E.	do	do	do	do	Fair	Fair	Fair	.12	Splendid Aurora in the evening, and rain in [the night.
8	Wednesday	26	34	32	29.27	29.37	29.37	S. W.	N. E.	N. E.	do	do	do	do	Rain	do	do	-	
9	Thursday	18	33	34	29.45	29.40	29.38	do	S. E.	S. E.	do	do	do	do	Fair	do	do	-	
10	Friday	30	34	31	29.24	29.32	29.34	N. W.	N. W.	N. W.	do	do	do	do	Fair	do	do	-	
11	Saturday	34	36	34	29.26	29.25	29.24	do	do	do	do	do	do	do	Cloudy	Cloudy	Cloudy	-	
12	Sunday	24	27	26	29.08	29.08	29.08	do	N. E.	N. E.	do	do	do	do	Snow	Snow	Snow	.10	4 inches of snow.
13	Monday	31	22	15	29.13	29.08	29.04	do	N. E.	N. E.	do	do	do	do	Fair	Fair	Fair	.08	1½ inches of snow.
14	Tuesday	7	25	18	29.37	29.31	29.62	S. W.	N. W.	N. W.	Snow	Cloudy	Cloudy	Cloudy	Rain	Rain	Rain	.56	Rain commenced at 12 last night.
15	Wednesday	13	30	36	29.72	29.75	29.62	S. E.	N. E.	N. E.	do	do	do	do	do	do	do	1.10	
16	Thursday	31	30	30	29.60	29.63	29.63	N. E.	N. E.	N. E.	do	do	do	do	Fair	Fair	Fair	-	
17	Friday	22	23	23	29.55	29.39	29.33	N. E.	N. E.	N. E.	do	do	do	do	do	do	do	-	
18	Saturday	26	23	15	29.08	29.30	29.39	N. W.	N. W.	N. W.	do	do	do	do	Fair	Fair	Fair	-	
19	Sunday	1	1	14	29.35	29.87	29.90	do	do	do	do	do	do	do	Cloudy	Cloudy	Cloudy	-	
20	Monday	16	27	27	29.67	29.63	29.61	S. W.	N. E.	N. E.	Snow	Cloudy	Cloudy	Cloudy	Rain	Rain	Rain	.28	Halo around the moon. Ther. 2° below.
21	Tuesday	23	27	26	29.32	29.19	29.17	N. E.	N. E.	N. E.	do	do	do	do	Fair	Fair	Fair	-	
22	Wednesday	24	26	24	29.25	29.42	29.53	N. W.	N. W.	N. W.	do	do	do	do	do	do	do	-	
23	Thursday	18	51	35	29.86	29.92	29.92	do	N. E.	N. E.	do	do	do	do	Rain	Rain	Rain	1.21	
24	Friday	20	52	31	29.80	29.64	29.54	N. E.	N. E.	N. E.	do	do	do	do	do	do	do	.06	
25	Saturday	46	46	43	28.91	28.81	28.81	do	do	do	do	do	do	do	Foggy	Foggy	Foggy	-	
26	Sunday	26	34	31	29.04	29.16	29.28	N. W.	N. W.	N. W.	Snow	Cloudy	Cloudy	Cloudy	Fair	Fair	Fair	-	
27	Monday	24	47	42	29.50	29.54	29.55	N. W.	N. W.	N. W.	do	do	do	do	do	do	do	-	
28	Tuesday	26	49	43	29.56	29.50	29.49	do	S. W.	S. W.	Cloudy	do	do	do	do	do	do	-	
29	Wednesday	37	34	30	29.26	29.29	29.33	do	N. W.	N. W.	Rain	do	do	do	do	do	do	-	
30	Thursday	23	24	16	29.38	29.38	29.38	S. W.	do	do	Fair	do	do	do	do	do	do	-	
31	Friday	7	13	8	29.35	29.32	29.34	N. W.	do	do	do	do	do	do	do	do	do	-	

Range of the Thermometer from 2° below zero to 37° above. Barometer from 28.81 to 29.92. Rain, 4.17 inches. Snow, 12 inches.

## REGISTER OF THE WEATHER—Continued.

FEBRUARY.	Day of the Month.	THERMOMETER.			BAROMETER.			WIND.			WEATHER.			Inches of Rain.	REMARKS.
		Sunrise	3 P. M.	Sunset	Sunrise	3 P. M.	Sunset	Sunrise	3 P. M.	Sunset	Sunrise	3 P. M.	Sunset		
1	Saturday	4 below	8	6	29.61	29.63	29.63	N. W.	N. W.	N. W.	Fair	Fair	Fair	-	Thermometer 5° below zero at 5, A. M.
2	Sunday	4 do	9	6	29.63	29.69	29.69	do	do	do	do	do	do	-	Thermometer 5° below zero at 6, A. M.
3	Monday	3 do	18	13	29.74	29.76	29.76	do	do	do	do	do	do	-	Thermometer 5° below zero at 6, A. M.
4	Tuesday	5 do	10	8	29.65	29.29	29.09	N. E.	N. E.	N. E.	Snow	Snow	Cloudy	-	16 inches of snow.
5	Wednesday	12 do	29	18	28.28	28.32	28.36	do	do	do	do	Cloudy	Cloudy	.60	
6	Thursday	10 do	12	8	28.69	28.82	28.93	N. W.	N. W.	N. W.	Cloudy	Fair	Fair	-	
7	Friday	zero	12	12	29.18	29.26	29.30	do	do	do	Fair	do	do	-	
8	Saturday	11 do	24	18	29.40	29.48	29.49	S. W.	do	do	do	do	do	-	
9	Sunday	12 do	22	20	29.49	29.49	29.45	N. W.	do	do	do	do	do	-	
10	Monday	6 do	26	23	29.45	29.48	29.48	do	do	do	do	do	do	-	
11	Tuesday	19 do	25	25	29.23	29.22	29.22	S. W.	do	do	do	do	do	-	
12	Wednesday	34 do	38	41	29.08	29.24	29.97	do	S. W.	S. W.	Cloudy	Rain	Cloudy	.23	Thermometer 1° below zero at 6½, A. M.
13	Thursday	1 do	10	8	29.60	29.74	29.76	N. W.	N. W.	N. W.	Fair	Fair	do	-	Thermometer 1° below zero at 6, A. M.
14	Friday	2 do	16	13	29.91	29.98	29.95	do	N. E.	do	do	Snow	Snow	.20	4 inches of snow.
15	Saturday	23 do	33	32	29.63	29.63	29.63	N. E.	do	do	Rain	Rain	Fair	.42	
16	Sunday	32 do	37	38	29.57	29.27	29.23	do	S. W.	do	do	do	do	-	
17	Monday	33 do	44	41	29.20	29.24	29.24	N. W.	N. W.	do	Fair	Fair	do	-	
18	Tuesday	29 do	41	41	29.33	29.32	29.44	do	do	do	do	do	do	-	
19	Wednesday	25 do	52	48	29.60	29.64	29.64	do	do	do	do	do	do	-	
20	Thursday	32 do	46	46	29.64	29.55	29.52	S. W.	S. W.	S. W.	Foggy	Cloudy	Cloudy	-	
21	Friday	35 do	56	56	29.42	29.39	29.35	do	N. W.	do	do	Fair	Fair	-	
22	Saturday	42 do	49	49	29.29	29.33	29.47	W.	do	N. W.	do	do	Cloudy	-	
23	Sunday	36 do	38	38	29.51	29.36	29.16	N. E.	N. E.	N. E.	Rain	Rain	Fair	.93	Rain at 9, A. M. Thunder storm.
24	Monday	37 do	46	43	29.07	29.20	29.22	W.	S. W.	W.	Fair	Fair	Fair	.23	Aurora Borealis.
25	Tuesday	33 do	60	62	29.29	29.33	29.30	do	do	S. W.	do	do	do	-	
26	Wednesday	38 do	57	50	29.20	29.13	29.13	do	do	N. W.	do	do	Cloudy	-	
27	Thursday	28 do	42	39	29.24	29.27	29.27	N. W.	do	do	do	do	Fair	-	
28	Friday	28 do	31	34	29.19	29.22	29.23	do	do	do	do	do	do	-	

Range of the Thermometer from 6° below zero to 62° above. Barometer from 28.23 to 29.98. Rain, 2.61 inches. Snow, 50 inches.

## REGISTER OF THE WEATHER—Continued.

MARCH.		THERMOMETER.		BAROMETER.		WIND.		WEATHER.		Inches of Rain.	REMARKS.
Day of Month.	Day of the Week.	Sunrise	2 P. M.	Sunrise	3 P. M.	Sunrise	2 P. M.	Sunrise	2 P. M.		
1	Saturday	25	46	29.27	29.25	N. W.	N. W.	Cloudy	Fair	-	
2	Sunday	27	44	29.48	29.36	S. E.	S. E.	do	do	.08	Showers in the morning.
3	Monday	51	43	28.93	29.09	S. W.	S. W.	Rain	do		
4	Tuesday	26	44	29.60	29.71	S. W.	S. W.	Fair	do	1.22	
5	Wednesday	32	36	29.30	29.82	N. E.	N. E.	Rain	Rain		
6	Thursday	36	46	29.36	29.33	N. W.	N. W.	Fair	Fair		
7	Friday	28	54	29.65	29.63	S. W.	S. W.	do	do		
8	Saturday	31	39	29.55	29.42	N. E.	N. E.	Foggy	Foggy		
9	Sunday	42	35	29.29	29.30	do	do	Rain	Rain	.45	
10	Monday	32	39	29.45	29.48	N. W.	N. W.	Cloudy	Cloudy		
11	Tuesday	26	27	29.22	29.39	N. E.	N. E.	Snow	Snow	.30	6 inches of snow.
12	Wednesday	11	47	29.65	29.74	do	do	Fair	Fair		
13	Thursday	27	51	29.65	29.65	S. W.	S. W.	do	do		
14	Friday	33	36	29.56	29.32	S. E.	N. E.	Snow	Snow	.96	3 1/2 inches of snow.
15	Saturday	30	32	29.04	29.14	N. W.	N. W.	Fair	Fair		
16	Sunday	17	25	29.08	29.00	S. W.	S. W.	do	do		
17	Monday	22	38	28.86	28.80	do	do	Cloudy	Fair		
18	Tuesday	24	37	28.87	28.96	do	N. W.	Fair	do		
19	Wednesday	20	27	28.99	29.08	N. W.	S. W.	do	do		
20	Thursday	19	22	29.03	29.09	N. W.	S. W.	Cloudy	Cloudy		
21	Friday	25	25	29.23	29.35	N. W.	do	Fair	Fair		
22	Saturday	18	48	29.40	29.47	do	do	do	do		
23	Sunday	29	49	29.48	29.36	W.	S. W.	do	do		
24	Monday	36	41	29.15	29.22	N. W.	N. W.	Cloudy	do	.29	Rain in the night.
25	Tuesday	34	38	29.39	29.50	do	do	Fair	Fair		
26	Wednesday	24	48	29.72	29.80	do	S. W.	do	Cloudy		
27	Thursday	64	64	29.48	29.53	S. W.	S. W.	Cloudy	do		
28	Friday	38	65	29.48	29.49	N. E.	N. W.	do	Fair		
29	Saturday	36	55	29.72	29.74	do	do	Foggy	do		
30	Sunday	38	73	29.66	29.68	S. W.	S. W.	Cloudy	do		
31	Monday	40	68	29.76	29.73	do	do	Foggy	do		

Range of the Thermometer from 11° to 79°. Barometer from 28.80 to 29.76. Rain, 3.23 inches. Snow, 10 inches.

## REGISTER OF THE WEATHER—Continued.

APRIL.		THERMOMETER.			BAROMETER.			WIND.			WEATHER.			Inches of Rain.	REMARKS.
Day of Month.	Day of the Week.	Sunrise	2 P. M.	Sunset	Sunrise	2 P. M.	Sunset	Sunrise	2 P. M.	Sunset	Sunrise	2 P. M.	Sunset		
1	Tuesday	54	60	54	29.29	29.12	29.05	S. E.	S. W.	N. W.	Rain	Cloudy	Cloudy	.28	Rain in the evening.
2	Wednesday	56	56	47	29.34	29.29	29.27	S. E.	S. W.	N. W.	Fair	Cloudy	do	.02	Snow squalls.
3	Thursday	54	58	54	29.30	29.39	29.46	S. W.	do	N. W.	Fair	Fair	Fair	-	Snow in the night.
4	Friday	53	55	46	29.13	29.93	29.00	do	N. W.	do	do	do	do	-	-
5	Saturday	51	45	37	29.20	29.28	29.28	N. W.	do	do	Fair	do	do	-	-
6	Sunday	57	46	43	29.38	29.41	29.36	do	S. E.	S. W.	Cloudy	Cloudy	Cloudy	-	-
7	Monday	55	46	44	29.37	29.57	29.32	S. W.	S. W.	S. E.	Fair	Snow	Snow	-	-
8	Tuesday	54	36	26	29.16	29.09	29.06	N. W.	N. W.	N. W.	Cloudy	Fair	Fair	.17	Showers at 11, A. M.
9	Wednesday	56	41	36	29.21	29.39	29.30	do	S. W.	S. W.	do	do	Cloudy	-	-
10	Thursday	56	46	51	29.23	29.00	28.95	S. W.	S. W.	N. W.	Fair	Cloudy	Cloudy	-	-
11	Friday	56	40	37	29.00	29.10	29.25	W.	do	do	Fair	Fair	Fair	-	-
12	Saturday	58	40	37	29.32	29.46	29.45	N. W.	do	do	do	do	do	-	-
13	Sunday	52	53	54	29.44	29.16	28.96	S. W.	S. W.	S. W.	do	do	do	-	Snow squalls in the morning.
14	Monday	58	52	48	29.10	29.21	29.26	N. W.	N. W.	N. W.	do	do	do	-	Aurora Borealis.
15	Tuesday	54	59	56	29.36	29.53	29.32	S. W.	do	do	do	do	do	-	Halo around the moon.
16	Wednesday	58	52	40	29.42	29.49	29.49	S. E.	S. E.	S. E.	Cloudy	Cloudy	Cloudy	.72	Rain in the night.
17	Thursday	56	56	36	29.44	29.53	29.53	do	N. E.	N. E.	Rain	do	do	-	-
18	Friday	56	44	36	29.64	29.72	29.72	do	do	do	Cloudy	Cloudy	do	-	-
19	Saturday	58	48	42	29.56	29.50	29.44	do	do	do	do	do	do	-	-
20	Sunday	56	45	35	29.40	29.41	29.41	do	do	do	do	do	Fair	.50	Rain last night.
21	Monday	57	55	53	29.40	29.42	29.45	do	N. W.	N. W.	do	do	do	-	-
22	Tuesday	56	64	55	29.40	29.42	29.45	N. W.	N. W.	N. W.	Fair	do	do	-	-
23	Wednesday	56	73	63	29.49	29.50	29.49	N.	do	N. W.	do	do	do	-	-
24	Thursday	47	76	71	29.44	29.40	29.35	S. W.	S. W.	S. W.	do	Cloudy	Cloudy	-	-
25	Friday	58	57	53	29.46	29.46	29.43	N. E.	N. E.	N. E.	Fair	Fair	do	.12	Thunder shower in the night.
26	Saturday	40	59	53	29.38	29.40	29.43	N. E.	N. E.	N. E.	Cloudy	Cloudy	do	-	-
27	Sunday	56	52	60	29.41	29.32	29.32	S. E.	S. E.	S. E.	Fair	Fair	Fair	-	-
28	Monday	56	72	62	29.41	29.43	29.45	N. W.	N. W.	N. W.	do	Cloudy	do	-	-
29	Tuesday	48	51	44	29.44	29.56	29.69	do	do	N. E.	do	do	do	-	White frost.
30	Wednesday	36	62	51	29.74	29.75	29.70	S. E.	S. E.	S. E.	Fair	Fair	do	-	-

Range of the Thermometer from 25° to 76°. Barometer from 28.93 to 29.75. Rain, 1.61 inches.

## REGISTER OF THE WEATHER—Continued.

MAY.	THERMOMETER.		BAROMETER.		WIND.		WEATHER.		Inches of Rain.	REMARKS.
	Day of the Month.	Day of the Week.	Sunrise.	2 P. M.	Sunset.	Sunrise.	2 P. M.	Sunset.		
1	Thursday	44	58	29.50	29.34	29.38	S.W.	W.	Cloudy	High wind.
2	Friday	55	59	29.19	29.23	29.30	W.	N.W.	Fair	
3	Saturday	40	70	29.40	29.46	29.44	S.W.	S.W.	Cloudy	
4	Sunday	52	77	29.40	29.37	29.30	S.E.	do	Fair	
5	Monday	59	57	29.53	29.35	29.38	N.W.	do	Cloudy	
6	Tuesday	40	71	29.48	29.47	29.38	N.W.	S.W.	Fair	
7	Wednesday	46	70	29.19	29.11	29.10	S.W.	do	Cloudy	
8	Thursday	36	51	29.20	29.37	29.40	N.W.	N.W.	Rain	Hail and snow.
9	Friday	35	54	29.47	29.50	29.61	N.W.	do	do	Frost.
10	Saturday	34	63	29.76	29.84	29.79	N.W.	S.W.	do	Frost.
11	Sunday	46	78	29.63	29.60	29.50	S.W.	do	do	
12	Monday	65	88	29.50	29.50	29.48	do	do	do	
13	Tuesday	52	74	29.52	29.52	29.53	S.E.	do	Cloudy	Halo around the moon.
14	Wednesday	55	78	29.44	29.22	29.19	S.W.	S.	Fair	
15	Thursday	63	75	29.08	29.04	29.04	do	do	Rain	
16	Friday	40	41	29.24	29.38	29.44	N.E.	N.E.	Cloudy	
17	Saturday	39	42	29.43	29.39	29.38	do	do	Rain	
18	Sunday	44	53	29.23	29.18	29.17	do	do	Cloudy	
19	Monday	49	76	29.15	29.20	29.24	S.W.	S.W.	Fair	
20	Tuesday	57	73	29.32	29.30	29.32	do	do	Cloudy	
21	Wednesday	51	63	29.32	29.36	29.39	W.	W.	Fair	
22	Thursday	46	67	29.45	29.45	29.36	S.W.	S.W.	Cloudy	Thunder storm in morning; frequent showers during the day.
23	Friday	47	65	29.23	29.30	29.30	N.W.	do	Rain	
24	Saturday	45	60	29.27	29.26	29.26	N.W.	N.W.	Fair	
25	Sunday	37	48	29.20	29.28	29.27	do	do	do	Frost. Snow squall.
26	Monday	44	64	29.24	29.11	29.07	do	S.W.	Cloudy	
27	Tuesday	44	78	29.25	29.35	29.34	do	W.	do	
28	Wednesday	53	76	29.39	29.36	29.32	W.	S.W.	do	
29	Thursday	60	61	29.20	29.20	29.27	N.W.	N.W.	Cloudy	
30	Friday	40	56	29.33	29.44	29.52	N.W.	do	Fair	
31	Saturday	38	66	29.60	29.64	29.64	do	S.W.	do	Frost.

Range of the Thermometer from 34° to 88°. Barometer from 29.07 to 29.84. Rain, 3.23 inches.

## REGISTER OF THE WEATHER—Continued.

JUNE.		THERMOMETER.		BAROMETER.		WIND.		WEATHER.		Inches of Rain.	REMARKS.
Day of Month.	Day of the Week.	Sunrise	3 P. M.	Sunset.	Sunrise	3 P. M.	Sunset.	Sunrise.	3 P. M.	Sunset.	
1	Sunday	47	76	68	29.61	29.59	29.54	S. W.	S. W.	Fair	
2	Monday	53	73	76	29.53	29.53	29.52	W.	W.	do	
3	Tuesday	58	84	76	29.54	29.54	29.52	S. W.	do	do	
4	Wednesday	59	86	79	29.50	29.40	29.44	W.	do	do	
5	Thursday	59	79	74	29.37	29.30	29.32	do	Rain	do	Slight shower at 2, P. M.
6	Friday	57	68	64	29.43	29.48	29.35	do	Cloudy	Cloudy	
7	Saturday	52	74	69	29.45	29.46	29.50	Fair	Fair	Fair	
8	Sunday	61	86	82	29.49	29.41	29.36	S. W.	Cloudy	do	Thunder in morning. Thermometer 90° Thermometer 92° at 2½, P. M.
9	Monday	72	91	83	29.32	29.31	29.39	do	Fair	do	
10	Tuesday	66	86	81	29.32	29.30	29.46	S.	do	do	
11	Wednesday	69	67	67	29.31	29.22	29.27	do	Cloudy	Cloudy	
12	Thursday	56	72	64	29.33	29.22	29.21	N. W.	Fair	Fair	
13	Friday	64	81	75	29.11	29.13	29.24	S. E.	Cloudy	Cloudy	
14	Saturday	60	69	68	29.26	29.22	29.26	N. W.	do	do	
15	Sunday	51	72	66	29.49	29.50	29.56	do	Fair	do	
16	Monday	61	81	76	29.43	29.39	29.38	S. W.	do	do	
17	Tuesday	58	64	60	29.23	29.35	29.47	W.	do	do	
18	Wednesday	48	70	65	29.53	29.60	29.59	S. W.	do	do	
19	Thursday	55	75	68	29.61	29.61	29.61	W.	Fair	Fair	
20	Friday	53	78	68	29.61	29.57	29.48	N. W.	do	do	
21	Saturday	60	74	69	29.57	29.20	29.21	W.	do	do	
22	Sunday	51	70	70	29.31	29.33	29.34	N. W.	do	do	
23	Monday	58	68	74	29.25	29.22	29.20	S. W.	Fair	do	
24	Tuesday	63	83	74	29.20	29.20	29.15	W.	do	do	
25	Wednesday	60	71	68	29.18	29.22	29.25	do	Fair	do	
26	Thursday	53	75	68	29.30	29.32	29.33	N. W.	do	do	
27	Friday	57	72	69	29.32	29.32	29.32	W.	do	do	
28	Saturday	52	76	68	29.34	29.29	29.25	S. E.	do	do	
29	Sunday	58	59	59	29.50	29.27	29.34	S. W.	do	do	
30	Monday	59	58	51	29.29	29.27	29.40	N. N. E.	Cloudy	Rain	

Range of the Thermometer from 47° to 92°. Barometer from 29.11 to 29.61. Rain, 3.14 inches.

## REGISTER OF THE WEATHER—Continued.

JULY.	THERMOMETER.		BAROMETER.		WIND.		WEATHER.		Inches of Rain.	REMARKS.
	Day of Month.	Sunrise 9 P. M.	Sunrise 3 P. M.	Sunset	Sunrise 2 P. M.	Sunset	Sunrise.	3 P. M.		
	Day of the Week.									
1	Tuesday	48	61	55	29.39	29.40	N. E.	S. E.	Foggy	
2	Wednesday	54	63	64	29.40	29.40	S. W.	S. E.	Fair	
3	Thursday	64	71	63	29.25	29.19	S. W.	S. W.	Rain	
4	Friday	58	75	68	29.19	29.26	S. W.	do	Cloudy	
5	Saturday	57	73	72	29.33	29.38	do	do	Fair	
6	Sunday	60	81	77	29.46	29.43	do	do	do	
7	Monday	67	86	83	29.42	29.32	do	do	do	
8	Tuesday	69	85	79	29.26	29.32	do	do	do	
9	Wednesday	63	76	72	29.36	29.42	N. W.	N. W.	do	
10	Thursday	54	79	76	29.51	29.56	N. W.	do	do	
11	Friday	62	88	83	29.38	29.33	S. W.	S. W.	do	
12	Saturday	73	93	86	29.27	29.23	do	do	do	
13	Sunday	76	85	73	29.14	29.20	do	do	do	
14	Monday	64	89	76	29.15	29.17	N. E.	N. E.	do	
15	Tuesday	72	91	86	29.18	29.19	N. W.	N. W.	Foggy	
16	Wednesday	73	92	81	29.28	29.30	S. E.	S. W.	Fair	
17	Thursday	72	90	82	29.21	29.14	S. W.	do	do	
18	Friday	70	82	78	29.22	29.22	W.	N. W.	do	
19	Saturday	59	78	75	29.51	29.52	N. W.	do	do	
20	Sunday	62	80	72	29.53	29.49	do	S. W.	do	
21	Monday	68	88	85	29.26	29.27	S.	do	do	
22	Tuesday	71	82	76	29.11	29.10	do	S.	do	
23	Wednesday	62	74	68	29.10	29.10	do	N. W.	Rain	
24	Thursday	55	72	64	29.17	29.18	W.	do	Fair	
25	Friday	50	68	63	29.24	29.22	N. W.	N. E.	do	
26	Saturday	53	83	68	29.20	29.22	N. E.	N. W.	do	
27	Sunday	64	73	65	29.15	29.08	N. W.	S. W.	do	
28	Monday	54	67	74	29.09	29.00	W.	N. W.	do	
29	Tuesday	56	76	74	29.09	29.12	do	do	do	
30	Wednesday	68	82	73	29.07	29.07	S. W.	S. W.	Rain	
31	Thursday	66	78	72	29.07	29.20	do	N. W.	Fair	

Range of the Thermometer from 50° to 94°. Barometer from 29.00 to 29.56. Rain, 2.91 inches.

## REGISTER OF THE WEATHER—Continued.

AUGUST.		THERMOMETER.		BAROMETER.		WIND.		WEATHER.			Inches of Rain.	REMARKS.
Day of Month.	Day of the Week.	Sunrise.	2 P. M.	Sunset.	Sunrise.	2 P. M.	Sunset.	Sunrise.	2 P. M.	Sunset.		
1	Friday	67	73	74	29.49	29.60	29.60	S. W.	S. W.	Fair	-	
2	Saturday	60	79	72	29.65	29.66	29.65	do	do	do	-	
3	Sunday	62	80	72	29.61	29.61	29.60	do	do	Cloudy	-	
4	Monday	58	83	80	29.60	29.59	29.54	N. W.	do	Fair	-	
5	Tuesday	64	87	82	29.54	29.54	29.53	S. W.	do	do	-	
6	Wednesday	66	88	79	29.53	29.53	29.52	W.	do	do	-	
7	Thursday	64	82	78	29.52	29.50	29.47	S. W.	do	Cloudy	-	
8	Friday	66	89	84	29.46	29.46	29.44	do	do	Fair	-	
9	Saturday	71	85	82	29.45	29.45	29.45	do	do	do	-	
10	Sunday	63	85	80	29.41	29.35	29.45	do	do	Foggy	-	
11	Monday	72	79	76	29.17	29.07	29.05	do	do	Rain	-	
12	Tuesday	63	78	76	29.06	29.10	29.19	do	do	do	.35	Rain in the morning and at night.
13	Wednesday	60	85	79	29.32	29.31	29.39	N. W.	do	Fair	-	
14	Thursday	67	83	82	29.40	29.43	29.42	S. W.	do	do	-	
15	Friday	69	85	80	29.43	29.53	29.53	N. E.	do	do	-	
16	Saturday	61	80	72	29.42	29.52	29.50	do	do	do	-	
17	Sunday	56	82	74	29.51	29.56	29.56	do	do	Fair	-	
18	Monday	66	86	74	29.51	29.47	29.46	S. E.	do	Cloudy	-	
19	Tuesday	61	86	77	29.46	29.46	29.47	do	do	Fair	-	
20	Wednesday	61	83	75	29.40	29.53	29.51	do	do	do	-	
21	Thursday	70	82	79	29.46	29.42	29.38	do	do	Cloudy	.48	
22	Friday	73	88	80	29.37	29.40	29.40	S. W.	do	Fair	.28	
23	Saturday	73	85	79	29.45	29.40	29.39	do	do	do	.74	
24	Sunday	71	86	83	29.40	29.40	29.39	S. E.	do	do	-	
25	Monday	66	84	78	29.39	29.42	29.42	S. W.	do	Cloudy	-	
26	Tuesday	66	86	78	29.35	29.35	29.37	N. W.	do	Fair	-	
27	Wednesday	70	84	76	29.40	29.30	29.39	N. E.	do	Cloudy	.51	Fine showers in the afternoon.
28	Thursday	72	74	69	29.42	29.60	29.65	do	do	Fair	-	
29	Friday	44	63	60	29.72	29.70	29.60	S. E.	do	do	-	
30	Saturday	55	63	68	29.44	29.29	29.23	N. W.	do	Foggy	-	
31	Sunday	57	75	75	29.23	29.26	29.26	do	do	Fair	-	

Range of the Thermometer from 44° to 89°. Barometer from 29.05 to 29.72. Rain, 2.35 inches.



## REGISTER OF THE WEATHER—Continued.

SEPTEMBER.		THERMOMETER.		BAROMETER.		WIND.		WEATHER.			Inches of Rain.	REMARKS.
Day of month.	Day of the Week.	Sunrise	2 P. M.	Sunset.	Sunrise	2 P. M.	Sunset.	Sunrise.	2 P. M.	Sunset.		
1	Monday	49	75	71	29.36	29.35	29.33	N. W.	S. W.	Fair	.02	Rain in the morning.
2	Tuesday	65	74	72	29.34	29.07	29.04	S. E.	do	Foggy	.25	Rain in the night.
3	Wednesday	68	77	75	29.36	29.06	29.00	S. W.	N. W.	Rain	.04	Rain in the evening.
4	Thursday	61	82	74	29.11	29.12	29.08	W. W.	do	Fair	-	
5	Friday	58	72	62	29.08	29.10	29.10	N. W.	N. W.	do	-	
6	Saturday	55	70	64	29.18	29.26	29.30	do	do	do	-	
7	Sunday	56	73	67	29.22	29.98	29.92	S. W.	W.	Cloudy	.24	High wind. Showers at sunset.
8	Monday	49	63	59	29.22	29.36	29.42	N. W.	N. W.	Fair	-	
9	Tuesday	42	59	57	29.51	29.49	29.40	do	do	Fair	-	
10	Wednesday	52	69	60	29.32	29.32	29.30	S. W.	S. W.	Cloudy	-	
11	Thursday	49	67	60	29.40	29.46	29.49	N. W.	N. W.	Fair	-	
12	Friday	43	64	57	29.60	29.65	29.65	do	do	Cloudy	-	
13	Saturday	37	67	56	29.69	29.72	29.66	do	do	Cloudy	.65	White frost.
14	Sunday	51	58	63	29.49	29.96	29.18	S. E.	S. E.	Rain	-	
15	Monday	59	74	67	29.14	29.14	29.13	S. W.	W.	Fair	-	
16	Tuesday	50	65	59	29.33	29.44	29.50	N. W.	N. W.	do	-	
17	Wednesday	40	60	60	29.60	29.61	29.59	do	N. E.	Cloudy	-	
18	Thursday	61	79	71	29.44	29.33	29.26	S. W.	S. W.	Fair	.32	Thunder shower at 10, P. M.
19	Friday	62	72	66	29.19	29.26	29.31	W.	N. W.	do	.20	Rain ceased at 4, P. M.
20	Saturday	52	74	70	29.31	29.19	29.15	do	S. W.	Fair	.63	
21	Sunday	64	55	64	29.01	29.04	29.08	N. W.	N. W.	Rain	-	
22	Monday	43	63	57	29.26	29.33	29.38	do	do	Cloudy	.32	
23	Tuesday	34	60	52	29.49	29.47	29.39	do	N. E.	Fair	-	
24	Wednesday	52	51	51	29.30	29.23	29.27	N. E.	do	Rain	-	
25	Thursday	44	58	54	29.33	29.36	29.35	N. W.	N. W.	Fair	-	
26	Friday	47	65	59	29.37	29.40	29.39	N. E.	S. E.	Cloudy	-	
27	Saturday	45	64	57	29.45	29.53	29.56	N. W.	N. W.	Fair	-	
28	Sunday	47	69	61	29.64	29.68	29.65	S. W.	S. W.	Foggy	-	
29	Monday	55	69	65	29.64	29.63	29.62	do	do	Fair	-	
30	Tuesday	56	72	66	29.53	29.48	29.42	do	S. E.	Cloudy	-	

Range of the Thermometer from 34° to 82°. Barometer from 29.92 to 29.72. Rain, 2.57 inches.

Range of the Thermometer from 34° to 82°. Barometer from 29.26 to 29.72. Rain, 2.57 inches.

## REGISTER OF THE WEATHER—Continued.

OCTOBER.		THERMOMETER.		BAROMETER.		WIND.		WEATHER.			Inches of Rain.	REMARKS.
Day of Month.	Day of the Week.	Sunrise	3 P. M.	Sunset	Sunrise	2 P. M.	Sunset.	Sunrise.	3 P. M.	Sunset.		
1	Wednesday	64	78	29.22	29.09	29.07	S. E.	S. W.	Fair	Fair	2.31	
2	Thursday	49	64	29.30	29.42	29.45	W.	N. W.	do	do	-	
3	Friday	48	76	29.32	29.55	29.55	S. W.	S. W.	do	do	-	
4	Saturday	54	66	29.62	29.62	29.57	N. E.	N. E.	Cloudy	Cloudy	-	
5	Sunday	56	63	29.30	29.25	29.20	do	N. W.	Rain	Rain	21	Rain commenced at 10, last evening.
6	Monday	58	55	29.26	29.45	29.53	do	N. E.	do	do	.60	
7	Tuesday	48	64	29.62	29.66	29.64	do	do	Cloudy	Cloudy	-	
8	Wednesday	51	68	29.60	29.56	29.51	S. E.	S. W.	Fair	Fair	-	
9	Thursday	56	63	29.44	29.32	29.30	S.	S. E.	Cloudy	do	.47	
10	Friday	54	77	29.34	29.39	29.40	N. W.	N. W.	Fair	Fair	-	
11	Saturday	55	67	29.39	29.36	29.35	S. E.	S. E.	Foggy	Rain	-	
12	Sunday	67	75	29.20	29.16	29.09	do	S.	Rain	Fair	.27	High wind.
13	Monday	50	58	29.20	29.50	29.59	W.	N. W.	do	do	.78	Rain in the night.
14	Tuesday	36	67	29.71	29.67	29.62	N. W.	S. W.	Fair	do	-	
15	Wednesday	47	55	29.50	29.53	29.56	do	do	do	do	-	
16	Thursday	30	47	29.44	29.81	29.79	do	do	do	do	-	Halo around the moon.
17	Friday	33	55	29.75	29.68	29.65	W.	W.	do	do	-	Halo around the moon.
18	Saturday	32	63	29.65	29.65	29.62	do	do	do	do	-	
19	Sunday	45	69	29.50	29.42	29.38	S. W.	S. W.	do	do	-	
20	Monday	50	49	29.49	29.48	29.58	N. E.	N. E.	do	do	-	
21	Tuesday	36	40	29.49	29.66	29.74	do	N. W.	Cloudy	Cloudy	-	
22	Wednesday	21	48	29.44	29.88	29.87	N. W.	do	Fair	Fair	-	
23	Thursday	20	58	29.84	29.80	29.78	do	S. W.	do	do	-	
24	Friday	33	67	29.61	29.58	29.57	S. W.	N. W.	do	do	-	
25	Saturday	38	56	29.68	29.73	29.75	N. E.	N. E.	Cloudy	do	-	
26	Sunday	30	62	29.78	29.75	29.74	do	S. W.	do	do	-	
27	Monday	39	69	29.18	29.63	29.61	W.	W.	do	Cloudy	-	
28	Tuesday	52	74	29.56	29.53	29.53	N. W.	N. W.	Fair	Fair	-	
29	Wednesday	57	74	29.46	29.40	29.38	do	do	do	do	-	
30	Thursday	58	74	29.41	29.30	29.35	W.	W.	do	do	-	
31	Friday	47	54	29.53	29.59	29.51	N. E.	N. E.	Cloudy	Cloudy	-	

Range of the Thermometer from 21° to 78°. Barometer from 29.07 to 29.88. Rain, 4.44 inches.

## REGISTER OF THE WEATHER—Continued.

NOVEMBER.		THERMOMETER.		BAROMETER.		WIND.		WEATHER.		Inches of Rain.	REMARKS.
Day of Month.	Day of the Week.	Sunrise	2 P. M.	Sunset	Sunrise	2 P. M.	Sunset	Sunrise.	2 P. M.	Sunset.	
1	Saturday	54	70	65	29.24	29.15	28.99	S.W.	S.W.	S.W.	Fair
2	Sunday	55	52	54	29.06	29.06	29.02	S.	N.E.	N.E.	Rain
3	Monday	57	62	61	29.98	29.00	29.00	S.E.	S.E.	S.E.	Cloudy
4	Tuesday	58	69	65	29.00	29.04	29.04	do	S.W.	S.W.	Fair
5	Wednesday	42	49	47	28.99	29.04	29.09	S.W.	do	do	Cloudy
6	Thursday	34	48	47	29.20	29.19	29.16	do	do	do	Fair
7	Friday	39	52	49	29.11	29.18	29.18	N.W.	N.W.	N.W.	Fair
8	Saturday	36	46	44	29.16	29.15	29.13	do	S.W.	S.W.	Cloudy
9	Sunday	48	50	52	28.78	28.74	28.64	N.E.	N.E.	N.E.	Rain
10	Monday	34	43	43	28.35	28.72	28.83	N.	N.W.	N.W.	Fair
11	Tuesday	40	54	50	29.15	29.29	29.24	S.W.	N.W.	W.	Fair
12	Wednesday	38	40	39	29.32	29.39	29.39	N.W.	N.W.	N.W.	Cloudy
13	Thursday	28	50	46	29.43	29.48	29.34	do	S.W.	S.W.	Fair
14	Friday	40	57	53	29.09	28.99	28.98	S.W.	do	do	Cloudy
15	Saturday	38	42	37	29.14	29.25	29.30	N.W.	N.W.	N.W.	Fair
16	Sunday	33	52	50	29.15	29.02	29.00	S.W.	S.W.	S.W.	do
17	Monday	36	58	53	29.32	29.33	29.35	W.	W.	do	do
18	Tuesday	45	60	56	29.43	29.45	29.42	S.W.	do	do	do
19	Wednesday	50	63	58	29.43	29.45	29.42	S.W.	do	do	do
20	Thursday	45	60	53	29.20	29.09	29.09	S.E.	do	do	do
21	Friday	43	56	53	29.12	29.02	29.00	S.W.	do	do	Cloudy
22	Saturday	32	43	42	28.85	28.89	28.95	do	N.W.	N.W.	Fair
23	Sunday	32	43	42	29.32	29.30	29.32	W.	W.	W.	do
24	Monday	42	56	44	29.13	28.90	28.83	S.W.	S.W.	S.	Rain
25	Tuesday	29	34	28	29.33	29.30	29.22	W.	N.W.	N.W.	Fair
26	Wednesday	19	39	38	29.77	29.72	29.68	N.W.	S.W.	S.W.	do
27	Thursday	30	45	45	29.74	29.75	29.74	S.W.	do	do	do
28	Friday	40	50	49	29.20	28.70	28.70	S.E.	do	do	Rain
29	Saturday	20	37	30	29.09	29.30	29.42	N.W.	N.W.	N.W.	Fair
30	Sunday	12	30	26	29.82	29.94	29.94	do	do	do	do
31	Monday	20	30	29	29.88	29.82	29.76	N.E.	N.E.	N.E.	Cloudy

Range of the Thermometer from 12° to 70°. Barometer from 28.35 to 29.94.

Rain, 6.77 inches.

Snow, 4 inches.

Snow, 4 inches.

Snow, 4 inches.

Snow, 4 inches.

Snow, 4 inches.

Snow, 4 inches.

Snow, 4 inches.

Snow, 4 inches.

Snow, 4 inches.

Snow, 4 inches.

Snow, 4 inches.

## REGISTER OF THE WEATHER—Continued.

Day of Month.	Day of the Week.	THERMOMETER.			BAROMETER.			WIND.			WEATHER.			Inches of Rain.	REMARKS.
		Sunrise	3 P. M.	Sunset	Sunrise	3 P. M.	Sunset	Sunrise	3 P. M.	Sunset	Sunrise	3 P. M.	Sunset		
1	Monday	30	34	36	29.38	29.39	28.90	N. E.	N. E.	N. E.	Rain	Rain	Rain	1.49	Rain commenced at 12 P. M.
2	Tuesday	20	24	19	29.00	29.20	29.30	N. W.	N. W.	N. W.	Fair	Fair	Fair	-	Thermometer 10° in the night.
3	Wednesday	9	20	18	29.70	29.76	29.76	do	do	do	Cloudy	Cloudy	Cloudy	1.70	Snow commenced at 4 A. M. 3 inches snow.
4	Thursday	14	27	24	29.60	29.34	29.25	N. E.	N. E.	N. E.	Rain	Rain	Rain	-	
5	Friday	30	31	26	28.79	29.00	29.12	N. W.	N. W.	N. W.	Fair	Fair	Fair	-	
6	Saturday	30	24	20	29.39	29.54	29.58	W.	N. W.	N. W.	do	do	do	-	
7	Sunday	12	21	23	29.70	29.77	29.77	N. W.	do	S. W.	do	do	do	.30	2 inches snow in the night.
8	Monday	22	32	27	29.35	29.46	29.43	S. W.	S. W.	do	Cloudy	do	do	-	
9	Tuesday	25	37	34	29.10	28.99	28.98	N. E.	N. W.	do	do	do	do	-	
10	Wednesday	30	28	24	29.02	29.15	29.23	W.	do	S. W.	do	do	do	-	
11	Thursday	13	14	11	29.40	29.57	29.62	N. W.	do	N. W.	do	do	do	-	
12	Friday	0	14	12	29.78	29.86	29.85	do	do	do	Fair	do	do	-	Thermometer 1° below 0 at 6 A. M.
13	Saturday	1	24	22	29.90	29.94	29.94	do	do	do	do	do	do	1.52	2 inches of snow.
14	Sunday	18	28	30	29.72	29.38	29.48	N. E.	N. E.	N. E.	Snow	Snow	Rain	.13	
15	Monday	36	38	37	29.00	28.85	28.78	do	do	do	Rain	Rain	do	-	
16	Tuesday	31	26	21	28.68	28.78	28.89	N. W.	N. W.	N. W.	Cloudy	Fair	Fair	-	
17	Wednesday	21	40	36	29.18	29.38	29.40	N. W.	do	do	do	do	do	-	
18	Thursday	33	40	40	29.35	29.49	29.25	S. W.	S. W.	S. W.	Cloudy	Cloudy	Rain	-	
19	Friday	33	36	34	29.13	29.16	29.15	do	do	do	do	do	Fair	.05	Snow squalls in the night.
20	Saturday	27	19	30	29.37	29.39	29.29	N. W.	N. E.	N. E.	do	do	Cloudy	-	Thermometer 12° at 9 P. M.
21	Sunday	13	20	17	29.12	29.19	29.16	do	N. W.	N. W.	do	Fair	Fair	-	
22	Monday	15	24	20	29.26	29.32	29.33	S. W.	do	N. W.	Fair	do	do	-	
23	Tuesday	14	27	24	29.57	29.64	29.66	N. W.	N. W.	do	do	do	do	-	
24	Wednesday	11	27	23	29.70	29.83	29.82	do	do	N. W.	Cloudy	Cloudy	Cloudy	-	
25	Thursday	21	28	26	29.53	29.40	29.40	N. E.	N. E.	N. E.	Rain	Rain	Rain	-	
26	Friday	22	21	21	29.45	29.50	29.49	do	do	do	Snow	Snow	Snow	.40	6 inches of snow.
27	Saturday	15	28	26	29.48	29.43	29.38	N. W.	N. W.	S. W.	Fair	Fair	Fair	-	
28	Sunday	23	36	30	29.23	29.27	29.30	S. W.	S. W.	do	Cloudy	Cloudy	Cloudy	-	
29	Monday	27	42	32	29.30	29.21	29.20	S. E.	S. E.	N. W.	Fair	Fair	Fair	-	
30	Tuesday	30	36	34	29.16	29.20	29.20	W.	N. W.	do	Cloudy	Cloudy	Cloudy	-	
31	Wednesday	13	22	17	29.40	29.53	29.58	N. W.	do	do	Fair	Fair	Fair	-	

Range of the Thermometer from 1° below zero to 42° above. Barometer from 28.68 to 29.94. Rain, 5.39 inches. Snow, 13 inches.

## REGISTER OF THE WEATHER—Concluded.

	Jan'y.	Feb'y.	March.	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	TOTAL
Greatest height of the Barometer,	- 29.92	- 29.98	- 29.76	- 29.70	- 29.84	- 29.61	- 29.56	- 29.72	- 29.88	- 29.94	- 29.94	- 29.94	
Least height of the Barometer,	- 28.81	- 28.28	- 28.80	- 28.93	- 29.07	- 29.11	- 29.00	- 27.05	- 28.92	- 29.07	- 28.35	- 28.68	
Mean between the greatest and least heights of the Barometer,	- 29.365	- 29.13	- 29.28	- 29.34	- 29.455	- 29.36	- 29.28	- 29.385	- 29.32	- 29.471	- 29.145	- 29.31	
Greatest height of the Thermometer,	- 37°	- 62°	- 73°	- 76°	- 88°	- 92°	- 94°	- 89°	- 82°	- 78°	- 70°	- 49°	
Least height of the Thermometer,	- 29°	- 6°	- 4°	- 26°	- 34°	- 47°	- 50°	- 44°	- 34°	- 21°	- 12°	- 1°	
Mean between the greatest and least heights of the Thermometer,	- 17° 5'	- 33°	- 42°	- 51°	- 61°	- 69° 5'	- 72°	- 66° 5'	- 58°	- 49° 5'	- 41°	- 20° 5'	
Fair days,	- 17	- 19	- 22	- 15	- 21	- 23	- 25	- 26	- 21	- 21	- 21	- 17	- 248
Cloudy days,	- 14	- 9	- 9	- 15	- 10	- 7	- 6	- 5	- 9	- 10	- 9	- 14	- 117
DAYS ON WHICH													
Rain fell,	- 9	- 4	- 5	- 6	- 6	- 9	- 10	- 6	- 9	- 8	- 15	- 6	- 93
Snow fell,	- 6	- 4	- 5	- 4	- 2	- 0	- 0	- 0	- 0	- 0	- 2	- 6	- 29
Halos of the moon were seen,	- 1	- 0	- 1	- 1	- 1	- 2	- 0	- 0	- 0	- 2	- 1	- 0	- 8
Aurora Borealis,	- 1	- 1	- 0	- 1	- 0	- 1	- 2	- 1	- 0	- 1	- 0	- 0	- 8
Inches of rain,	- 4.17	- 2.61	- 3.29	- 1.61	- 3.23	- 3.14	- 2.91	- 2.36	- 2.57	- 4.44	- 6.77	- 5.39	- 42.49
Inches of snow,	- 12.	- 20.	- 10.	- 0	- 0	- 0	- 0	- 0	- 0	- 0	- 4.	- 13.	- 59.
Days on which N. wind prevailed,	- 0	- 0	- 0	- 0	- 0	- 0	- 0	- 0	- 0	- 0	- 0	- 0	- 0
" " N.W. "	- 14	- 16	- 10	- 12	- 8	- 5	- 8	- 3	- 12	- 9	- 7	- 16	- 190
" " W. "	- 1	- 1	- 1	- 0	- 4	- 8	- 4	- 3	- 3	- 3	- 3	- 0	- 29
" " S.W. "	- 6	- 5	- 9	- 6	- 12	- 10	- 9	- 15	- 9	- 13	- 4	- 4	- 107
" " S. "	- 0	- 0	- 0	- 0	- 0	- 0	- 0	- 0	- 0	- 1	- 0	- 0	- 2
" " S.E. "	- 0	- 0	- 1	- 3	- 0	- 0	- 2	- 4	- 2	- 0	- 2	- 1	- 15
" " E. "	- 0	- 0	- 0	- 1	- 0	- 0	- 0	- 0	- 0	- 0	- 0	- 0	- 1
" " N.E. "	- 8	- 5	- 7	- 6	- 3	- 1	- 3	- 5	- 2	- 7	- 3	- 7	- 57

## FLOWERING SEASON, ON HOSPITAL HILL, FOR SEVEN YEARS.

TREES, SHRUBS AND PLANTS.	1839.	1840.	1841.	1842.	1843.	1844.	1845.
Crocus, . . . . .	April 8	April 1	April 23	April 7	April 15	-	April 12
Liverwort, . . . . .	" 9	" 10	" 24	" 11	" 30	April 16	" 21
Leatherwort, . . . . .	" 15	" 16	May 8	" 12	" 25	" 18	" 25
Bloodroot, . . . . .	" 18	" 19	" 7	" 23	May 3	" 21	" 28
Wild Flower, . . . . .	" 20	" 24	" 16	" 24	" 9	" 10	" 23
Cherry Tree, . . . . .	" 28	" 25	April 17	March 27	" 9	" 17	" 29
Veiling Arboretus, . . . . .	-	" 20	May 8	May 1	" 8	" 24	May 1
Fever Bush, . . . . .	-	" 26	" 16	April 22	" 18	" 27	" 25
Blackout Currant, . . . . .	May 5	May 1	" 19	" 5	" 15	" 27	May 8
Peach Tree, . . . . .	" 6	" 2	" 21	" 9	" 28	May 2	" 10
Wild Cherry, . . . . .	" 11	" 14	" 23	" 14	" 26	" 4	" 15
Cobnash, . . . . .	" 10	" 11	" 24	" 9	" 24	April 20	" 4
Apple Tree, . . . . .	" 12	" 13	" 26	" 14	" 25	-	" 8
Flowering Almond, . . . . .	" 16	" 16	" 27	" 14	" 25	-	" 15
Life, . . . . .	" 12	" 16	" 27	" 29	" 13	-	" 4
Tartarian Honeysuckle, . . . . .	" 20	" 17	-	" 3	April 28	April 21	May 30
Red Maple, . . . . .	" 27	" 26	April 26	-	April 28	May 12	May 30
Scotch Rose, . . . . .	-	" 19	" 27	-	May 21	-	" 15
Warrens, . . . . .	-	" 20	June 4	-	" 29	-	" 29
Horse Chestnut, . . . . .	-	" 23	" 28	-	" 25	" 23	" 23
Calceanthus, . . . . .	-	" 30	May 1	16	" 9	" 8	April 23
Mountain Ash, . . . . .	April 23	April 23	-	-	" 14	" 25	March 29
Daedelon, . . . . .	-	-	-	-	April 29	" 15	May 1
Pyrene Japonica, . . . . .	-	-	-	-	May 20	-	" 19
Hyacinth, . . . . .	-	-	-	-	" 28	-	-
Blue Violet, . . . . .	May 18	May 22	" 30	-	" 28	May 15	" 22
Pertian Libae, . . . . .	" 19	June 14	" 25	-	-	May 5	" 12
Jessamine, . . . . .	June 2	June 3	-	-	-	-	" 23
Actea, . . . . .	May 12	May 8	" 28	-	-	-	-
Rhodora, . . . . .	May 21	May 18	-	-	-	-	-
Geranium Maculatum, . . . . .	-	-	-	-	-	-	-

	PLACES.	THERMOMETER.		BAROMETER.		Inches of Rain.	Rainy Days.	Clear Days.	Cloudy and variable Days.	FLOWERING SEASON.		
		Highest.	Lowest.	Highest.	Lowest.					Apple.	Peach.	Cherry.
1843	Cambridge, Me.,	91°	9°	30.82	29.04	46.14	-	-	-	May 4	April 27	April 27
1843	Saco, Me.,	90	18	-	-	-	56	255	-	-	-	-
1843	Dover, N. H.,	97	8	-	-	-	92	255	-	May 24	May 19	May 15
1841	Worcester, Ma.,	86	15	30.14	28.50	42.94	107	242	-	April 9	April 24	April 24
1842	" "	89	4	30.00	28.44	40.78	89	245	-	May 2	"	"
1843	" "	89	8	30.12	28.35	48.57	93	230	-	"	May 12	" 21
1844	" "	90	8	30.24	28.35	37.85	93	248	-	" 8	" 1	" 23
1845	" "	94	8	29.98	28.38	42.49	93	-	-	-	-	-
1841	Amherst, "	91	15	-	-	41.63	-	-	-	April 24	April 13	" 14
1843	" "	-	-	-	-	51.58	-	-	-	-	"	" 17
1843	" "	-	-	-	-	38.05	91	-	-	April 19	" 14	-
1843	Trenton, N. J.,	95	8	-	28.86	52.27	-	138	207	-	-	-
1844	Lamberton, N. J.,	94	0	30.74	28.35	41.04	69	118	166	-	-	-
1843	Steubenville, O.,	96	3	30.39	28.35	43.04	87	135	147	-	-	-
1841	St. Louis, Mo.,	102	6	30.08	28.55	31.69	87	35	319	-	-	-
1842	" "	95	24	-	28.14	34.78	117	38	301	-	-	-
1843	" "	94	15	30.42	28.14	45.73	117	38	301	-	-	-
1844	" "	96	24	30.38	29.00	45.73	72	240	-	April 15	Feb'y 26	-
1844	Savannah, Geo.,	98	20	30.57	29.51	37.17	39	38	221	March 24	Jan'y 28	-
1843	Augusta, "	94	22	-	-	78.68	-	-	-	May 7	April 25	" 25
1843	Natchez, Miss.,	85	23	-	-	46.53	-	-	-	April 16	" 10	" 13
1842	New Orleans, La.,	-	-	-	-	-	-	-	-	" 15	" 7	" 10
1844	New Haven, Ct.,	-	-	-	-	-	-	-	-	-	-	-
1844	Columbus, O.,	-	-	-	-	-	-	-	-	-	-	-
1844	St. George's Court House, Va.	-	-	-	-	-	-	-	-	-	-	-







**SENATE.....**

**.....No. 2.**

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**ADDRESS**  
**OF**  
**HIS EXCELLENCY**  
**GEORGE N. BRIGGS**  
**TO THE**  
**TWO BRANCHES OF THE LEGISLATURE**  
**OF**  
**MASSACHUSETTS,**  
**JANUARY 13, 1846.**

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**Boston:**  
**DUTTON AND WENTWORTH, STATE PRINTERS,**  
**No. 37, Congress Street.**  
**1846.**



# ADDRESS.

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*Gentlemen of the Senate, and of the  
House of Representatives :*

THE past year has been one of general prosperity and health to the people of this Commonwealth.

Labor and capital have been actively employed, and have reciprocally contributed to each other's success. Labor and capital ought to be so employed. And while each is willing to make a fair division of their joint earnings, they are, and must be, friends.

Not only has an unusual degree of industry and enterprise animated our business community, but a spirit of kindness and good feeling has displayed itself among all classes of our citizens, in their intercourse with each other.

Those "principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings, sincerity, good humor, and all social affections and generous sentiments among the people," specially enjoined by the Constitution of the State, to be promoted by the Legislature, have manifested themselves through-

out the Commonwealth. They are worthy of the attention of men associated together for a common benefit, and the extent of their prevalence indicates the degree of civilization and Christianity in every community.

These tokens of good, which, under the Divine favor, flow out from our free and liberal institutions, call for our grateful acknowledgments to that great and good Being, whose mercies to us as a people, have been so distinguished.

The state of our finances for the past year, as I learn from the Treasurer of the Commonwealth, is as follows :—

The receipts amounted to . . . . .	\$519,358 32
The expenditures to . . . . .	550,191 59
Excess of payments over receipts, . . . . .	30,833 27

The above amount of receipts includes

Cash on hand January 1, 1845, . . . . .	\$10,677 59
Balance of State Tax of 1844, . . . . .	62,325 50
This sum, . . . . .	73,002 09
deducted from the whole receipts, . . . . .	519,358 35
Leaves . . . . .	\$446,356 26
as the ordinary receipts for the year.	

The amount of expenditures includes

Temporary loan for 1844, . . . . .	\$35,000 00
And the 5 per cent. stock of 1842, paid in 1845, . . . . .	46,550 00
This sum, . . . . .	\$131,550 00
deducted from the whole expenditures, . . . . .	550,191 59
Leaves as the ordinary expenditures of the year, . . . . .	\$418,641 59

To meet the excess of payments of \$30,833 27, the Treasurer will have the balance of the State Tax of 1845, amounting to \$65,000, and though not payable till February, 1846, was designed for the service of 1845.

That sum will not only pay the above-named balance, but will be nearly sufficient to pay the \$37,140 of the 5 per cent. stock of 1842, which falls due in 1846.

It is confidently believed that no State Tax will be necessary to enable the Treasury to meet the demands upon it for the coming year.

To this end, I recommend a most rigid scrutiny into every branch of expenditures, and if any item is found not called for by the public interest, that it be curtailed.

Liberal appropriations of money for meritorious objects, within the appropriate sphere of legislative provisions, and not a dollar for a useless office, or an unnecessary purpose, is true economy.

When the remaining \$37,140 of the debt of 1842 shall have been paid, no other debt against the State will fall due before 1857. At that time, the Scrip for \$995,000 issued by the State in payment of its stock in the Western Rail-road Corporation, will be payable.

The sinking fund set apart to meet that debt now amounts to \$359,141 25. This sum, with the accruing annual interest, together with the yearly amount from the sales of the public lands, in the State of Maine, which is appropriated by law

for the same purpose, with the annual interest thereon, will amount, in 1857, with the present rate of the receipts from the public lands, to a million dollars.

The amount, whatever it may be, with the stock itself, will constitute the assets of the State, at that time, to meet its scrip for \$995,000.

The State has lent its credit to various rail-road companies, to the amount of \$5,049,555 56.

One million and fifty thousand dollars of this amount for scrip loaned to the Eastern Rail-road, the Norwich and Worcester Rail-road, the Andover and Haverhill Rail-road, and the Boston and Portland Rail-road Corporations, will be due in 1857-9. None of the residue falls due before 1868. These roads are all in successful operation, and the companies pay the interest on their several debts, as they fall due.

The payment and fulfilment of the obligations of the bonds, which the State holds against these several companies, are secured by mortgages on the indebted roads. In addition to the mortgage on the Western Rail-road, the State holds, in trust, a fund, now amounting to \$290,610 61, and which is yearly increasing, by accumulating interest and additions to the principal, for the same purpose. Without some unexpected contingency, which no sagacity can foresee, there is no probability, the State will ever be called upon to pay one dollar of these liabilities.

With a character for punctuality unsullied by a failure to meet any one of her pecuniary engagements, and with a credit

equal to bullion, for any purpose that she may choose to use it, there is nothing in her indebtedness or liabilities, either on her own account, or to aid others in carrying on those great works of internal improvement, by which her mountains are pierced and her valleys striped with rail-road iron, that need alarm the most timid financier, or give a moment's uneasiness to the most cautious of her citizens.

Having the largest representative body, in proportion to the number of their constituents, of any government in the world, at once their pride and their security, the prudent, industrious, enterprising people of this Commonwealth, must essentially change their character and principles, as old now as their political existence, before a Legislature can be assembled in this place, that would involve the State in any wild and unauthorized projects, or do any thing to tarnish her good name for honesty and punctuality. May the time never come when every citizen of Massachusetts would not feel the slightest just reproach upon the integrity of the Commonwealth, to be a stain upon his own private character! Mutation belongs to political as well as to all other human institutions, but I am sure that no political vicissitude can ever spread, over our venerated Commonwealth, the gloom of such a day.

There is now in successful operation within the limits of Massachusetts, seven hundred miles of rail-road. These roads cost about \$28,000,000. The average value of this stock is above par, and their average dividends exceed 6 per cent. The amount of their dividends shows the wisdom of the investment of the capital which built them, the amount of business done upon them, and their great public utility. The rail-road from this city to Albany, across the Green Mountains is



one of the great achievements of the age. Altogether, they furnish evidence of the resources, the enterprise, the perseverance and the prosperity of our people.

Among other important topics introduced into the late communication of the President of the United States, to both Houses of Congress, that of the tariff occupied an important place.

The people of Massachusetts are deeply interested in the protective policy. In it, their labor, their capital, and their prosperity are essentially involved.

For more than a quarter of a century after the adoption of the Constitution, their capital was mostly engaged in commerce. But the course of National legislation has induced them to withdraw a large portion of that capital from commerce, and invest it in manufacturing establishments. Massachusetts has at this time \$60,000,000 invested in manufactures.

The constitutionality of the protective principle, except as an incident to revenue, is clearly denied by the President in his message, and by the Secretary of the Treasury, in his annual report. I am not aware that such a denial has ever before, since the adoption of the federal Constitution, been promulgated from those high places. Perhaps, in justice to those functionaries, it should be said, that the opinions now avowed by them, on this subject, are the same which they were known to entertain before their elevation to the posts which they now occupy.

There is, however, a remarkable difference between the doc-

trines and arguments of the President's message, and the doctrines and arguments of his predecessors on the same subject. Every one of those illustrious men, from General Washington to General Jackson, all of whom belonged to the age of the Constitution and of the Revolution, in their official communications, in the plainest and most explicit manner assert the constitutionality of a protective tariff, and recommend Congress to foster and protect the manufactures of the Country by their legislation. The preamble to the second act passed by the first Congress which assembled under the Constitution of the United States, declared the object of the act to be the encouragement of manufactures and the raising of revenue.

Many of the framers of the Constitution sat in that Congress. Washington, the President of the Convention which made the Constitution, signed that bill. During the discussion of the measure in Congress, no one objected for the want of constitutional power. On the contrary, it was declared that one leading object of the adoption of the Constitution by the people of the States, was to confer upon Congress the power to protect the labor and industry of the country, and that they expected that power to be exercised. Petitions for that purpose were presented to that Congress, from the people of South Carolina, Maryland, New York and Massachusetts. Against a principle reaching back to the origin, and flowing out from the very fountain of our government, the Secretary of the Treasury in his official report, and the President in his message, wage a war of extermination. The Secretary ascribes to it, the instability of all former revenue bills, and avows the purpose of driving it from the Statute-books of the Union.

*Before the adoption of the Constitution of the United States,*

each State possessed the power to lay duties and imposts, and to regulate trade with other States and nations. It is a power incident to the sovereignty of every independent State. And it may be exerted by every such State for the protection and encouragement of its manufactures, or any other interest within its limits. By the express language of the federal Constitution, this important power is surrendered by the States to the general government. Is the power thus given up by the States, lost or annihilated by that surrender?

The absurdity of such a proposition is its refutation. This essential attribute of a sovereign State was transferred to the general government, not that it should lie dormant, or be extinguished, but that it might be put into action with more efficiency for the common benefit. So the authors of the Constitution, and the members of the first Congress understood it. There is but one restriction upon its exercise, and that is the prohibition of a tax upon exports from any of the States.

Mr. Madison argues the existence of the right in Congress to protect the home industry of the country, upon the ground which I have stated, with unanswerable ability. He says "if Congress have not the power, it is annihilated for the nation; a policy without example in any other nation, and not within the reason of the solitary one in our own."

In his message to Congress in 1796, General Washington says: "Congress *have repeatedly*, and not without success, directed their attention to the encouragement of manufactures. The object is of too much consequence, not to insure a continuance of their efforts, in every way which shall appear eligible,"

Mr. Jefferson, in his message of November, 1808, says, "The situation into which we have been thus forced, has impelled us to apply a portion of our industry and capital to internal manufactures and improvements. The extent of this conversion is daily increasing, and little doubt remains, that the establishments formed and forming, will, under the auspices of cheaper materials and subsistence, the freedom of labor from taxation with us, and of *protecting duties, and prohibitions*, become permanent." In 1816, Mr. Jefferson addressed a letter to Benjamin Austin, of Massachusetts, in which he reëaffirms in the fullest manner his opinion in favor of the policy of protecting American manufactures, or of what he calls the "American System." In that letter, he says the "federal merchants of Massachusetts" are opposed to this system.

Mr. Madison said, in his message of February, 1815: "There is no subject which can enter with greater force into the deliberations of Congress, than a consideration of the means to preserve and promote the manufactures which have sprung into existence and attained an unparalleled maturity throughout the United States, during the period of the European wars. This source of national independence and wealth, I anxiously recommend, therefore, to the prompt and constant guardianship of Congress." In his inaugural message in March, 1817, President Munroe said: "Our manufactures will likewise require the systematic and fostering care of the government."

In 1824, General Jackson, in a letter addressed to Dr. Coleman, of North Carolina, on the subject of the tariff, says: "I will ask what is the real situation of our agriculturalists? Where has the American farmer a market for his surplus pro-

duct? Except for cotton, he has neither a foreign or a home market. Does not this clearly prove, where there is no market either at home or abroad, that there is too much labor employed in agriculture, and that the channels for labor should be multiplied? Common sense points out at once the remedy. Draw from agriculture this superabundant labor, employ it in mechanism and manufactures, thereby creating a home market for your bread stuffs, and distributing labor to the most profitable account, and benefits to the country will result. Take from agriculture in the United States, six hundred thousand men, women and children, and you will at once give a home market for more bread stuffs than all Europe now furnishes us. *In short, sir, we have been too long subject to the British merchants.* It is time that we should become a little more Americanized; and, instead of feeding the paupers of England, feed our own; or else in a short time, by continuing our present policy, we shall all be rendered paupers ourselves." In February, 1828, the same eminent individual sent to the Governor of the State of Indiana, in answer to certain resolutions of the Legislature of that State, on the subject of the tariff and internal improvements, a copy of the letter from which the foregoing extracts are made, and remarks: "I will further observe to your Excellency, that my views of constitutional power and American policy, were imbibed, in no small degree, in the times and from the sages of the Revolution, and that my experience has not disposed me to forget their lessons." What General Jackson said would be the effect of encouraging manufactures, in creating a home market for agricultural productions, has become history. That portion of our population now engaged in mechanical trades and manufactures, furnish a "market for more bread stuffs than all Europe now furnishes us." The productive industry of Massachusetts for the year ending April first,

1845, as shown by the statistics collected under the direction of the last Legislature, amounts to \$123,000,000.

With her population of 800,000, she receives annually the products of sister States to the amount of forty millions of dollars. Deducting the amount of domestic manufactures exported, and this sum equals one half of the exports of all the States of the Union, to the whole world. Can pursuits which produce such results, and which furnish them with such a home market, be injurious to the other States?

The extracts which I have read present the expanded views and statesman-like sentiments of their patriotic and illustrious authors, upon a subject which they considered very intimately connected with the permanent prosperity of their country.

How striking the contrast with the arguments and views of the present Chief Magistrate, by which he repudiates the policy of the fathers of the Republic, and proposes to measure and gauge every duty to be imposed hereafter, by what he denominates a revenue standard!

That class of politicians who deny both the expediency and constitutionality of giving legislative protection to the manufacturing and industrial interests of the country, have themselves ventured upon the boldest exercise of federal authority ever attempted since the origin of the Government. Passing by the treaty-making power, which, by the terms of the Constitution, is to hold intercourse with foreign governments, by the simple process of resolution, the lowest form of legislative action, they have brought a foreign nation into this confede-

racy of States. This extraordinary measure, carried, (as it is believed by those who are opposed to it,) against the wishes of a majority of the people of the States, has been consummated for the avowed purpose of "giving security and permanency to the institutions of the South."—In other words, for protecting the capital of the slave States of this Union, which is invested in slaves. By the existing laws of the United States, it is made piracy and punishable with death, through the instrumentality of the foreign slave trade, to bring a foreign slave into any of these States. Yet, by this summary process of resolution, thirty thousand foreign slaves are at once brought into and under the jurisdiction of the laws of this Republic.

Shall the powers of our National Legislature be exerted to protect the capital of one portion of the Union, consisting of property in human beings, whilst that protection shall be withheld from the property and the labor performed by the muscles of freemen in all the rest of the Union? These are questions which recent events bring home to the mind of every freeman in this great country with earnestness and solemnity. They are put, not for the purpose of arousing sectional prejudices, or exasperating party feelings; but for the purpose of calling your attention, and the attention of the people of the Commonwealth, to what is passing before us. By the annexation of a foreign State, and its admission into the Union, the preponderance is given, in one branch of the National Legislature, to the slaveholding States. It is very clear that no such event was contemplated at the time of the adoption of the Constitution. So far from looking to the ascendancy of the slave States in either branch of the Legislature, the Constitution itself recognizes and ratifies the ordinance of 1787 for the government of the North West Territory, by the provisions of which three

new States were to be admitted into the Union in which slavery was never to exist. Whilst this measure for the protection of the slave capital of the South is in progress, the Executive Chief Magistrate proposes to change the policy and utterly abandon a system which has been cherished by a majority of the people and their representatives from the beginning of the Government. Is this great change to take place? Is a system begun by the fathers of the Constitution, and which has been more than fifty years in maturing, which has filled the National Treasury with revenue, and covered the whole country with the evidences of prosperity, to be struck down at a blow?

Standing by the pillars of the Constitution, and ready to defend and uphold every part of it, I trust the Legislature of Massachusetts will insist that all the rights secured to the citizens of the Commonwealth, shall be acknowledged and respected.

The Reports of the officers in the State Prison present a satisfactory state of affairs in that institution. A personal examination of the Prison by the Governor and Council, confirms those reports. About six thousand dollars have been expended in repairs and buildings within the walls during the year. The expenditures seem to have been judiciously made, and the improvements are important and useful. A remarkable degree of health has prevailed among the prisoners. But one death has occurred among nearly three hundred persons in twelve months.

The fruits of a mild and humane treatment manifest themselves much to the credit of the officers, and going strongly to confirm the correctness of such a system. Generally, those



who leave the Prison, leave it with a respect for the laws whose penalties they have been made to feel, and with kind feelings towards the officers. They go again into the world many of them with the purpose and the hope, by a correct course of conduct, of restoring themselves to their friends, instead of breathing out threatenings and vengeance against their fellow men.

This state of moral feeling on the part of prisoners, is an important point gained in the administration of penal law. There is a small library in the institution which is much used by the prisoners during the hours that they are in their cells. The Inspectors and Warden concur in the opinion that an addition of suitable books is desirable. I think one or two hundred dollars, for that purpose, from the prison funds, would tend to improve the moral condition of its unfortunate inmates.

In connection with this subject, I deem it proper to call your attention to another important branch of the criminal law of the Commonwealth. By existing Statutes, there are four crimes punishable with death:—Treason, Murder, Rape, and burning a dwelling-house in the night-time.

If the penalty attached to the violation of a law is, in the public opinion, too severe, two consequences will manifest themselves in its administration. First, a difficulty in procuring convictions; and secondly, if convictions take place, the pardoning power will be strongly urged to interpose and mitigate the punishment. Wise and judicious legislators should endeavor to avoid both of these consequences. They are grave and serious evils. For a jury to hesitate to find a fact, because, by such finding, too heavy a blow in their opinion will fall upon the head of a fellow being, against whom it

should be found, would tend to weaken the public confidence in that important and sacred tribunal. Those who are acquainted with the history of judicial proceedings, must be aware that such cases do sometimes occur. As a general rule, it would be a dangerous and unauthorized exercise of the pardoning power, for an executive magistrate to interpose and arrest the execution of a law, because in his opinion its penalty was too severe. But in a case where the expression of a strong public sentiment should speak out, in accordance with his own views as to the rigor of the punishment, there is danger that the pressure might be too powerful for a kind-hearted though upright magistrate to resist. It is quite obvious, that at this day the inclination of the public mind is in favor of the diminution of the severity of punishment.

So far as legislation can prevent it, the commission of a greater offence should never be presented to the mind of a criminal as a means of avoiding detection in the commission of a lesser one. In reducing the penalty for robbery of the person, and for breaking and entering a dwelling-house in the night-time, (the burglar being armed,) from death to confinement in the State Prison, I apprehend our own Legislature were influenced, at least to some extent, by this principle. I am persuaded they acted wisely in so doing.

In a sister State, where such a change has taken place in the law applicable to robbery, it is said, that while the number of murders has diminished, the number of robberies has not increased. In one of the counties of our own Commonwealth, within the last year, a person has been executed, who had committed, under the most aggravated circumstances, the double crime of rape and murder.

In another of our counties, a man was hung several years ago, for the murder of a female whom he had first violated. In the confession of his crime, I am informed he declared that the thought of committing murder, did not enter his mind until after the perpetration of the first offence, when the poor victim told him he would have to be hung for what he had done. He said it then instantly occurred to him that the only hope of escaping detection and death, was to put the witness of his guilt out of the way. With the desperate hope of saving his own life, he seized a club, followed and killed the wronged and flying female. How many such cases there may have been, Omniscience alone can tell. If a single one has been known to exist, does not that one furnish a sufficient reason for removing the temptation for its repetition? I recommend to your calm consideration the propriety of reducing the number of capital offences now existing in this Commonwealth. In the case of murder, much reflection has convinced me of the propriety of making degrees of guilt in that crime. Whilst the penalty of death shall remain against the wilful and deliberate murderer in the first degree; murder in the second degree, committed under circumstances of mitigation, should be punished by confinement in the State Prison during life.

The Annual Report of the Trustees of the State Lunatic Hospital, at Worcester, will be laid before you, giving "a statement of the condition of the Hospital, and all its concerns," in compliance with the law creating that noble institution. Since the last Report, the two new wings to the building have been completed. By these additional edifices, accommodations are furnished for one hundred and forty more patients than could be accommodated before.

The whole number of inmates at this time, is about three hundred and sixty. The arrangements, order, neatness, and general management of the institutions, are admirable. It fully maintains its high character, as an asylum, erected by the munificence of the State, for the reception of that unfortunate class of our fellow beings, who, by the Providence of God, are bereft of their reason. Under the administration of the benevolent and accomplished Superintendent, whose valuable services have been devoted to the institution from the commencement of its operations, the sufferings of all the patients are greatly alleviated, and a good proportion of them restored to health and reason, with joyful and grateful hearts are given back to their families and friends.

Every philanthropist, and every lover of his State, must feel gratified that such an institution has been established and sustained within its limits.

The liberal appropriations annually made by the Legislature for the benefit of the blind and the deaf and dumb, furnish the means of imparting the treasures of instruction and knowledge, to many children whose indigence would forever shut them out from those blessings, but for the provisions of the Commonwealth in their behalf. The benefactors of those institutions where these classes of children are received and taught, and those generous and kind-hearted instructors who devote their lives to their service, are entitled to the thanks and gratitude of mankind.

You will be informed of the number and condition of the militia, and arms of the Commonwealth, by the Report of the Adjutant General, which will be laid before you in due time.

The Massachusetts School Fund now amounts to \$810,493,-60. The annual interest of this fund is distributed among the towns for the benefit of Common Schools. The past year, the towns raised, for the support of Common Schools, \$576,556 02, being an increase over the preceding year of \$28,000. The Secretary of the Board of Education, in his Report for the present year, states that the amount raised by towns in various ways, "for Common Schools, will exceed one dollar apiece for every man, woman and child, in the State." The people of Massachusetts expend annually, for the purposes of Education, more than a million of dollars. The returns from the towns for 1844-5, show the number of scholars in the State between the ages of four and sixteen years, to be 194,984. The whole number of public schools is 3,382. Incorporated academies, 66; unincorporated academies, private schools, and schools kept to prolong public schools, 1167, making schools of all kinds, 4,615. The number of teachers in the public schools, including winter and summer, is 7,267. Of these, 2,523 are females, and 4,774 males. These returns also show several improvements gratifying to the friends of Education. The Secretary says "the average length of the schools has increased a full month each." The number of schools kept through the year, has also increased. Whilst there is a gradual improvement in the average attendance, the irregularity in that respect continues to be a serious evil. When the State furnishes the means for schooling all its children, and those children, or their parents, neglect to improve those means, the funds of the State are not only wasted to the extent that they are not improved, but the absent children are grossly wronged, and the public defrauded of the benefits which would result from their education. Liberty, without intelligence, cannot be properly appreciated, or long preserved. Our district school-

houses are the moral and intellectual laboratories, where, under the fostering care of the State, and the blessing of Providence, the minds and characters of the rising generation, as they succeed each other, are to be fitted for the enjoyment of freedom, and for performing the high duties of freemen, or their neglect is to sink those generations to the condition of slaves, whether they continue to live under the name of liberty or not. No expedient should be left untried which the wisdom of the Legislature can suggest, or the vigilance of school committees, or other citizens invent, to fill our schoolhouses, and give to every child the benefit of the liberal and free provisions made for him. To perfect our system of Common Schools, higher qualifications in teachers, more permanency in their employment, and better wages for their services, are demanded. These are subjects which, in your parental care for the present and future children of the Commonwealth, you cannot with safety overlook. I am happy to believe that at this time there exists among the thousands of teachers in the State, a truer estimate of the dignity and magnitude of their employment, and more zeal to fit themselves for it, than has ever before existed. The Normal Schools begin to make themselves beneficially felt in this respect, in those parts of the State where they have been longest in operation. Within the last few months, a new element has been introduced, calculated to awaken a new interest among instructors of youth. I allude to Teachers' Institutes. At these meetings, those persons who are, or who expect to be, teachers, assemble together, and spend their time in taking lessons, and hearing lectures from experienced and accomplished masters, on those subjects which are connected with school teaching. These meetings have been for some time in operation in the State of New York, and have been attended with signal success. For the purpose of making the

experiment here, a distinguished and patriotic citizen of Boston, who, a few years since, gave ten thousand dollars, to aid in the introduction of Normal Schools, with the same spirit of liberality, offered a thousand dollars for defraying the expenses of the experiment. Under the direction and personal superintendence of the enlightened and persevering Secretary of the Board of Education, four Institutes were assembled in different sections of the Commonwealth. In every instance, the result was most satisfactory and auspicious. I had the pleasure of witnessing the exercises and proceedings of one of those interesting assemblages. The lessons and lectures of those who conducted the Institute, were in the highest degree instructive. The punctuality, attention, improvement, and entire devotion to the great purpose for which they came together, on the part of the members, were worthy of all praise. I hope, before another year, some plan may be matured, by which all the teachers in the State may be able to participate in those institutions. May not some legislative aid and encouragement be given to a measure which looks entirely to the increased qualifications of teachers, and the improvement of Common Schools? I commend this great subject, which involves the character and destiny of the Commonwealth, in all its branches, and with all its interests, to your wise deliberations.

The Statute of distributions, and our admirable system of popular education, must ever be among the most efficient instruments of preserving to the people their cherished institutions, and liberty itself. The first, at once the voice of true affection and the dictate of equity and justice, distributes equally among kindred of the same degree, the accumulated

wealth of the ancestor. By the munificent operations of the other, the treasures of education and knowledge are alike distributed among all the families of the State, and the children of the poor and the rich, so far as the means of intelligence and mental cultivation are concerned, begin life upon equal terms. Under this just and beautiful system, which began with the pilgrims, the history of our people thus far shows, that, in the higher and better pursuits of life, the children of the poor have been successful as well as the children of the rich.

In two former communications to the Legislature, I recommended the propriety of making their sessions as short as the public business would permit. I cannot forbear to renew that recommendation to you. At a time of domestic tranquillity and repose, when there are no agitating questions to prolong your deliberations, it seems to me that a short session, as a matter of economy, as well as an example to those who shall come after you, will be of great public use, and will meet the approbation of our constituents.

*Gentlemen of the Senate, and of the  
House of Representatives :*

The legitimate object and end of all good government and right legislation, is, to give protection to property, safety to the person and reputation, to secure to labor a fair reward, and to elevate and improve the physical, intellectual, and moral condition of man.

When legislators lose sight of these beneficent purposes for which they are clothed with power, and allow themselves to



be actuated by mere party or partial considerations, they pervert the trust committed to them, degrade their true dignity, and do great injustice to those who have given them their confidence.

Let us proceed in the discharge of the duties assigned us. Strictly observing the injunctions of the Constitution, which we are sworn to support, and looking for aid and direction to Him who gives wisdom to those who sincerely ask it, let us do all in our power to promote the lasting prosperity of our Commonwealth.

GEORGE N. BRIGGS.

COUNCIL CHAMBER, *Boston*, January 13, 1846.

**SENATE....**

**....No. 3.**

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**DOCUMENTS**

**RELATING TO**

**THE STATE PRISON.**

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## **Commonwealth of Massachusetts.**

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*To His Excellency the Governor and the Honorable the Council  
of the Commonwealth of Massachusetts :*

**THE** inspectors of the prison, in their report, must necessarily notice some topics, which will be considered, more at length, by the other officers of the institution.

They have reason to believe, from their own knowledge of the affairs of the prison, derived from the discharge of their official duties, as well as from information otherwise obtained, that its general interests and condition were never more prosperous, nor its objects more fully attained, than at the present time.

The inspectors feel called upon, in presenting their report, to speak more at length, on the subject of the discipline of the prison, than they might have done, under other circumstances, and especially in connection with a late publication, which has been extensively circulated, entitled "Remarks on Prisons and Prison Discipline, in the United States," by a lady, whose great worth, and benevolent labors, for prison reform, in the different States, are well known to us all.

We have not now time to prepare, nor would it be appropriate to present, at this time, a review of the book in question.

Among other mistakes, into which we think the writer has fallen, is, that the warden of the prison, at Charlestown, entered on his official duties, with the desire, and belief, that he should

be able "to do away all punishment" in the government of the convicts under his charge; and as it might be naturally supposed, that the views of the inspectors, and of the warden, would be the same on this subject, we regard it as our duty to say, that no such doctrine has ever been expressed, or entertained, by the present warden, or by either of the present inspectors. So far from adopting the belief, that all punishment may be dispensed with, the officers of the prison fully believe, not only in the necessity of punishment, to the good order and subjection of the convicts, but that even corporal punishment must at times be inflicted, to subdue the stubborn offender, and they have ever acted upon this principle. But they do hold, and advocate the opinion, that this mode of punishment should be resorted to only in extreme cases, and when milder means fail of their end.

This mode of treatment of convicts, who, though *prisoners*, are *men*, and many of whom, we are glad to know, are not strangers to the better feelings of man, is found by experience, which is the surest test of what is best, to be better fitted, than any other, to attain the true ends of government.

For more than two years past, a course of discipline has been pursued at the prison, which must be regarded as in some degree, milder than has heretofore been practised, and its results, it is but just to say, have been uniformly and entirely successful. During this period, there have been, as we believe the records of the prison, as well as our own observation will show, fewer outbreaks, fewer acts of violence, and insubordination, among the convicts, than at any other period of the same length, since the establishment of the institution.

The lady before referred to, whose benevolent desires, and in many cases well directed efforts, says in her book, page twenty-second, that a *steady*, *firm*, and *kind* government of prisoners, is the truest humanity. In this sentiment we most cordially concur. It is our sentiment, and we would take the lead in advancing it: and it is also true, and a no less important truth, that a government is *steady* and *firm*, as much because it is kind, as for any other reason.

Again, the writer of "Remarks," says, what would be called

discipline in most prisons, on the Auburn plan, in the "United States," is at Charlestown and at Columbus exceedingly lax especially at the former. To this remark we have only to say, that that discipline, whether it be lax or rigid, is best, which best secures the uniform obedience of the subjects to which it applies.

We have said more on this subject than might have been called for, under other circumstances, knowing, as we do, that reports have been circulated, which we consider entirely erroneous in point of fact, and injurious to our prisons, as well as to other like institutions.

The writer of "Remarks" has also published some strictures on the neatness and cleanliness of the prison. If the inspectors are not wholly in a mistake in this matter, the writer herself is. We doubt not that the officers more immediately connected with the interior arrangements of the prison, and whose duty it more especially is, to know its condition in all its different departments, would invite, at any time, and at all times, the strictest scrutiny on this point. So far as our own experience in this matter extends, and we have ever made it a prominent object of attention in the discharge of our official duties, we wholly dissent from any intimation whatever, coming from any quarter, that our prison will not, in this particular, compare advantageously with any other in the Union. And the health that prevails among the convicts, and has for years past, and which from some cause, we have reason to apprehend, is not surpassed, if it be equalled, in the history of similar institutions, is evidence, among other things, of the care and attention which this department of duty receives.

The workshops and other buildings which have been newly erected, and the repairs that have been made on others during the past year, we think, show a judicious and economical expenditure of the money appropriated by the Legislature for that purpose. The new shops are built of substantial materials, well put together,—are large and commodious, and are doubtless more favorable to the health of the prisoners, than were those in which they formerly labored. And it is found, as we learn from the experience of the other officers, that this

change in the shops and other buildings, is favorable to the more easy discipline of the prison.

The financial affairs of the institution, will be more appropriately and more fully noticed in another report, that will be presented. Although the expenditures of the past year, have been considerably larger than is usual, still there is a balance in favor of the prison, of something over eight hundred dollars, —presenting the gratifying fact that the prison is not a charge upon the State.

The inspectors beg leave further to state, that the Sabbath school connected with the prison, and which has ever been justly regarded, as a means of great good to the institution, is at present in a prosperous state. It is uniformly well supplied with competent teachers, from the different churches in the neighborhood, and is attended by the convicts with increased interest.

The last topic to which the inspectors would respectfully invite the attention of His Excellency, and the Honorable Council, is the library which is attached to the prison. The hundred dollars lately appropriated by the Legislature to enlarge the library, has been expended, and as we believe, judiciously, for that purpose. In the selection of the books, about one hundred and sixty-five volumes, the inspectors exercised their own best judgment, and called in aid that of others. The whole number of books in the library, including the new purchase, is two hundred and seventy-nine. Of these, one hundred are old and much worn,—some of them not well chosen at first, and are not much called for by the convicts, especially by those who have been in the prison for considerable length of time. The number of prisoners at the present time is two hundred and eighty-seven. So that the number of books, which are generally taken out and read with interest, is less than one to each convict.

The inspectors would, in conclusion, respectfully suggest, that should the library be thought of sufficient interest, to claim further aid from the government, that it is quite important that the present number of books should be considerably

enlarged. Of the utility and importance of furnishing the convicts with a sufficient amount of useful reading, during their hours of suspension from labor, there will probably be but one opinion.

All which is respectfully submitted.

BRADFORD SUMNER,  
SAMUEL GREELE,  
ABRAHAM F. HOWE.



*To His Excellency, GEORGE N. BRIGGS, Governor, and the Honorable Council of the Commonwealth of Massachusetts :*

The Warden of the State Prison respectfully submits the following statement of the concerns of that institution :—

The whole number of convicts remaining in Prison, October 1st, 1844, was	-	-	-	-	276
The whole number of convicts received into Prison during the year ending Sept. 30, 1845, is	-	-	-	-	96
					<hr/> 372

Discharged from Prison during the year ending September 30, 1845 :—

By expiration of sentence,	-	-	-	-	70
By remission of sentence,	-	-	-	-	8
By order of court,	-	-	-	-	6
Died,	-	-	-	-	1
					<hr/> 85
Whole number remaining in Prison Sept. 30, 1845,					<hr/> 287

*Ages of those in Prison.*

15 to 20 years,	-	-	18		40 to 50 years,	-	-	37
20 to 30 "	-	-	130		50 to 60 "	-	-	18
30 to 40 "	-	-	77		60 to 70 "	-	-	7

*Crimes of those in Prison.*

Larceny, - - -	86	Assault with intent to Rob,	7
Common and Notorious Thief, - - -	19	Breaking and entering a bank and Burglary, -	1
Burglary, - - -	15	Maliciously setting fire to a Manufactory, which was destroyed with its contents, - - -	1
Burglary in 2d degree, -	5	Cheating by False Pretences, - - -	2
Burglary and Larceny, -	5	Receiving Stolen Goods,	1
Arson, - - -	4	Shop Breaking, - - -	11
Arson in 2d degree, -	2	Subornation of Perjury, -	1
Assault with intent to Murder, - - -	5	Stealing, - - -	5
Murder, - - -	6	Having counterfeit Bank Bills with intent to pass the same, - - -	10
Assault with intent to rape,	8	Having in possession counterfeit coin, - - -	1
Breaking and entering a dwelling-house & stealing therefrom, -	8	Burning a barn in the night time, - - -	2
Kidnapping, - - -	1	Uttering counterfeit money,	1
Malicious Burning, -	3	Felonious assault on a female child, - - -	1
Assault and highway Robbery, - - -	1	Breaking and entering a shop and Larceny, -	6
Incest, - - -	1	Perjury, - - -	1
Forgery, - - -	2	Breaking and entering a dwelling house, -	2
Six Aggravated Larcenies, - - -	1	Breaking and entering a shop in the State Prison,	1
Robbery - - -	4	Felonious Assault, -	3
Manslaughter, - - -	1	Stealing from a dwelling house, - - -	5
Store Breaking and Larceny, - - -	6		
Assault and Robbery, -	1		
Highway Robbery in 2d degree, - - -	2		

Assault with intent to kill,	1	Having in possession and passing a forged order,	1
Breaking and entering a vessel in the night time, - - -	2	Escaping from the House of Correction, -	2
Burning a dwelling house,	1	Felonious Assault and Larceny, - -	1
Maliciously removing a rail from a rail-road, -	1	Stealing from a shop in the night time, -	2
Stealing from the Person,	3	Breaking and entering a Bank, - - -	1
Manslaughter, - - -	4	Poisoning with intent to kill, - - -	1
Stealing from a vessel in the night time, -	1	Passing counterfeit money,	5
Polygamy, - - -	1	Open and Gross Lewdness, - - -	1
Passing counterfeit bank bills, - - -	2		
Adultery, - - -	4		
Counterfeiting, - - -	2		
			267

### *Terms of Sentences.*

1 year, - - -	20	6 years, - - -	7
1 year and 2 months, -	1	6 years and 4 months, -	1
1 year and 3 months, -	3	6 years and 6 months, -	1
1 year and 6 months, -	3	7 years, - - -	21
2 years, - - -	54	8 years, - - -	3
2 years and 6 months, -	5	10 years, - - -	13
2 years and 9 months, -	2	11 years, - - -	1
3 years, - - -	53	12 years, - - -	2
3 years and 4 months, -	1	13 years, - - -	1
4 years, - - -	39	14 years, - - -	1
4 years and 6 months, -	3	15 years, - - -	3
5 years, - - -	30	17 years, - - -	1

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18 years,	-	2	Life, - - -	14
20 years,	-	1		—
25 years,	-	1		287

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*States and Countries of which they are Natives.*

Massachusetts, -	-	103	District of Columbia, -	1
Maine, -	-	19	England, -	18
New Hampshire, -	-	13	Ireland, -	27
Vermont, -	-	18	Malta, -	1
Connecticut, -	-	10	Germany, -	2
Rhode Island, -	-	6	Cape de Verd, -	1
New York, -	-	27	France, -	2
New Jersey, -	-	4	Canada, -	4
Pennsylvania, -	-	9	Scotland, -	3
Maryland, -	-	1	Sweden, -	1
Ohio, -	-	3	Newfoundland, -	1
Missouri, -	-	1	Madeira, -	1
North Carolina, -	-	2	South America, -	1
Virginia, -	-	2	Nova Scotia, -	4
Louisiana, -	-	1		—
Georgia, -	-	1		287

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*Employment.*

Stone Cutters, -	-	62	Team Hands, -	9
Carpenters, -	-	2	Blacksmiths, -	20
Tool Grinders, -	-	4	Whitesmiths, -	2

Tin Workers, - -	10	Attendants in Hospital, -	2
Cabinetmakers and Upholsterers, - -	61	Waiters and Messengers, -	4
Brush Makers, - -	26	Coopers, - -	8
Employed in Cookery, -	15	Hatters, - -	6
Barbers, - -	2	Shoemakers, - -	15
Sweepers, - -	5	Carpenters on Repairs, -	9
Wood and Coal Carriers and Lumpers, -	6	Tailors, - -	3
Patients in Hospital, -	2	In Punishment, - -	1
Invalids, - -	6		287

*The 96 Convicts received the last year were convicted, as follows :*

At Boston, - -	40	At Cambridge, - -	3
" Worcester, - -	5	" Lenox, - -	7
" Newburyport, - -	4	" Taunton, - -	5
" Springfield, - -	4	" Ipswich, - -	3
" Lowell, - -	3	" Plymouth, - -	1
" Northampton, - -	2	" Concord, - -	4
" New Bedford, - -	8		
" At Dedham, - -	7		96

*Ages of those received the last year.*

15 to 20 - -	11	40 to 50 - -	10
20 to 25 - -	23	50 to 60 - -	6
25 to 30 - -	28	60 to 70 - -	2
30 to 35 - -	12		
35 to 40 - -	4		96

*Crimes of those sentenced the last year.*

Larceny, - -	20	Dwelling House and Stealing therein, -	6
Common and Notorious Thief, - -	7	Breaking and entering a Shop and Stealing therein, - -	1
Stealing, - -	1	Burglary in 2d degree, -	1
Burglary, - -	4	Adultery, - -	4
Shop Breaking, - -	8	Counterfeiting, - -	2
Stealing in a Dwelling-house, - -	2	Having in possession and passing a Forged Order, -	1
Having in possession Counterfeit Bank Bills, with intent to pass the same, - -	4	Escaping from House of Correction, - -	2
Tendering in payment Counterfeit Bank Bills, -	1	Felonious Assault and Larceny, - -	1
Passing Counterfeit Bank Bills, - -	5	Stealing from a Ship in the day time, - -	2
Bigamy, - -	3	Breaking and entering a Bank, - -	1
Polygamy, - -	1	Poisoning with intent to Kill, - -	1
Murder, - -	2	Passing Counterfeit money, -	4
Manslaughter, - -	4	Burglary and Larceny, -	1
Assault with intent to Murder, - -	2	Open and Gross Lewdness, -	1
Felonious Assault, -	2	Shop Breaking and Larceny, - -	1
Stealing from a vessel in the night time, -	1		
Breaking and entering a			96

*Sentences of those received the last year.*

1 year, - - -	19	1 year and 3 months, -	2
1 year and 2 months, -	1	1 year and 6 months, -	3

2 years, - - -	24	6 years, - - -	2
2 years and 6 months, -	4	6 years and 4 months, -	1
2 years and 9 months, -	2	7 years, - - -	3
3 years, - - -	13	10 years, - - -	2
3 years and 4 months, -	1	11 years, - - -	1
4 years, - - -	8	13 years, - - -	1
4 years and 6 months, -	2	Life, - - -	3
5 years, - - -	4		<u>96</u>

*States and Countries of which those received the last year are natives.*

Massachusetts, - - -	33	South America, - - -	1
Maine, - - -	5	England, - - -	5
New Hampshire, - - -	4	Ireland, - - -	8
Vermont, - - -	6	France, - - -	1
Connecticut, - - -	4	Canada, - - -	2
Rhode Island, - - -	4	Newfoundland, - - -	1
New York, - - -	12	Madeira, - - -	1
Pennsylvania, - - -	3	Scotland, - - -	2
Virginia, - - -	1	Nova Scotia, - - -	1
Germany, - - -	1		—
District of Columbia, -	1		<u>96</u>

*Of the 96 convicts received last year, 16 are commitments, as follows, viz :*

13	-	-	-	are	-	-	Second Comers.
3	-	-	-	are	-	-	Third Comers.

*The 16 commitments last year were for the following crimes :*

Larceny, - - -	3	Dwelling House and Stealing therein, -	1
Common and Notorious Thief, - - -	3	Counterfeiting and passing a Counterfeit Bank Bill, - - -	1
Burglary, - - -	2	Stealing from a Shop in the day time, -	1
Shop Breaking, - -	2	Passing Counterfeit Money, - - -	1
Tendering in payment a Counterfeit Bank Bill, -	1		
Felonious Assault, -	1		
Breaking and Entering a			16

*Of the 287 convicts now in prison, 46 are commitments, as follows :*

29	-	-	-	are	-	-	Second Comers.
14	-	-	-	are	-	-	Third "
1	-	-	-	is a	-	-	Fourth "
1	-	-	-	is a	-	-	Fifth "
1	-	-	-	is a	-	-	Sixth "

*Crimes of those in prison sentenced for life.*

For Murder, sentence Death, punishment commuted, - - -	6	Burglary, - - -	1
For Arson, - - -	3	Burglary in Second Degree, and Malicious Burning, - - -	1
For Assault and Highway Robbery, - - -	1	Robbery, - - -	1
For maliciously setting Fire to a Manufactory, which was destroyed with its contents, -	1	The whole number sentenced during Life, -	14



*Of the 14 convicts in confinement during Life, 3 have been received the past year, viz :*

For Murder, sentence Death, punishment commuted,	-	-	2
For Burglary, -	-	-	1

There are 14 negroes and 17 mulattoes in this prison ; of this number, 3 negroes and 3 mulattoes were received during the past year.

The largest number of convicts in Prison, at any one time, during the past year, was	-	-	-	-	-	294
The smallest number was	-	-	-	-	-	275
The average number has been	-	-	-	-	-	284

It gives me great pleasure to be again able to report, that the affairs of the prison have been well and prosperous during the past year ; and although there have been more to disturb the routine of discipline, more chances of escape, more opportunities for intercourse with others, than have ever before been in this prison, yet there have been a high degree of good feeling, order and industry among the convicts. There have been no attempts to escape ; no resistance of authority, and but few transgressions of the rules of the prison. In fact, the discipline of the prison has passed through a crisis during the year, to which it has never before been subjected, and which cannot again recur. The whole year has been devoted to extensive repairs, the construction of a long range of new workshops, and the making, or filling up of nearly two acres of land, requiring many men from without to be constantly employed within the prison, and on the prison wharf, scowmen, teamsters, masons, carpenters, slaters, &c., working in juxtaposition with the convicts, and affording opportunities for intercourse, which could not be altogether prevented. In consequence of the removal and rebuilding of the whitesmiths, upholsterers, cabinetmakers, shoemakers, and tailors' shops, a very large portion of the convicts were deprived of their workshops, and were necessarily crowded into the other shops and brought nearer together, than was desirable or consistent with a strictly

silent system of discipline. I was obliged to take the chapel for a workshop, and religious services during the summer have been performed in the new prison. All these things have rendered the duties of the officers of the prison very arduous during the past year, so that the health of many of them failed, and more than half the overseers became sick, and were obliged to leave the prison, and were absent, some of them all summer, and others a large part of the time, obliging me to have recourse to the appointment of strangers, as temporary officers to take charge of their duties, at a time, that required more than ordinary skill and experience in the management and government of the prison; until at last my own health failed me. But I was obliged to continue as well as I could in the performance of duty, although my physician almost peremptorily required my going to the springs, towards the close of the summer, for relief. About this time I discovered that we had had an unfaithful officer during the year, who had been conniving with the convicts, talking and trading with them, and producing such mischief, as only an unfaithful officer can produce. The prison yard, during the summer, was almost as public as the highway, filled with lumber, brick, stone, lime, sand, and the abundant and unsightly materials of the old shops. So that a part of the time the prison had the appearance of confusion and want of neatness. Many of the convicts were necessarily engaged in very dirty employments, removing the old buildings, cleaning the old bricks, digging the foundations for the new shops, digging the drains and cisterns, and cleaning out the vaults and canal, working in mud and filth, filling the prison with dirt and dust, and carrying with them necessarily into their cells a part thereof; giving occasion for some to make reports not favorable to the discipline, order and neatness of the prison. But the experience of the past year has given me more confidence in the practicability and success of the mild system of government, which I have adopted, than the experience of many ordinary years could have given.

For, when I know, that under all the disadvantages which I have stated, the prisoners have been kept under control, by the law of kindness, without severity, or an increase of pun-

ishment, I have reason to believe, that now and hereafter; with the many advantages afforded by these improvements, the affairs of the prison will go on easily and orderly without the infliction of much punishment. In fact, I have reason to believe, that nothing but the ascendancy which I have been able to acquire over the convicts by long-continued and persevering kindness and affection towards them, and the consequent kindness and affection, which I have been able to inspire in their minds towards me, has enabled me to conquer so successfully the many difficulties with which I was surrounded last summer. Of this I am certain, that there never was a time when the convicts were more orderly, more industrious and more obedient than they now are; there never was a time when the prison was in a neater and better condition in every respect; there never was a time when the prisoners were so comfortable, healthy and happy. That the convicts have been industriously employed during the year, will appear from the most unerring proof, exhibited by the finances of the prison. The earnings of the prisoners, after paying all expenses, have left a surplus of \$807 63, although the expenses have been much increased over ordinary years. The expense of lights, furniture and utensils has been increased. The item of clothing alone has been more than a thousand dollars greater than ordinary years. I have felt it my duty to increase very considerably the amount of clothing, both for bedding and apparel, and the good effects are seen and felt in the increased comfort, health and happiness of the convicts. There never has been a time when the health of the convicts was anywhere near so good as it was the last year, while there never has been a year when the health of the officers suffered so much. It has been said, that the discipline of this prison does not prevent all conversation and intercourse among the convicts. This I am willing to own, and if the prevention of all intercourse is the great desideratum, separate, solitary confinement would undoubtedly be the most effectual in securing that end. I know it is impossible to prevent all intercourse among convicts in this prison, and I suppose it is in all other prisons, even in those of solitary confinement, and can only be wholly prevented by

having a separate cell for every convict under a separate roof. But I have not experienced so much evil from the illicit conversation which convicts can have in this prison, as in my judgment to warrant so great an expense, and so much deprivation and suffering. I believe that the few words which a convict can steal the opportunity to say, is full as likely to be good and encouraging, as evil and debasing. I am convinced that convicts are men, and not always the worst men in the world; and whatever improvements in prisons may be proposed, I am only desirous that humanity and the best interests of the convicts may prevail. That the ease, comfort, and safety of the warden and officers, are greatly promoted in the separate, solitary system of imprisonment, there can be no doubt; and the amount of punishment, in addition to constant, solitary imprisonment, ought to be greatly reduced. Almost all the punishment inflicted here is by solitary confinement, and a punishment of this kind, varying from one to a few days, has generally been found sufficient to subdue the offender. The building, which we call the old prison, which has long been disused, contains about a hundred cells, very large and comfortable, so that the experiment of solitary confinement with labor could be tried here upon about one third of the convicts, without much additional expense. In fact, I have been obliged to try it upon one. There is, in this prison, one of the most daring, dangerous, and reckless men in the world. About a year ago, I was obliged to shut him up in one of these large cells for safe keeping; as a dangerous man. I furnished his cell with a bed and every thing to make him comfortable, intending to keep him in constant, solitary confinement. After a while he begged to be released without success. He then asked for work, and as he was a shoemaker, I furnished him with his bench and work in his cell. He continued to work in this way several weeks. But his humility and constant complaints of loneliness and misery, at last conquered my determination, and I was obliged to restore him again to the yard and the workshop. But when a man is sentenced to solitary confinement by law, the hopelessness of relief undoubtedly at last reconciles him to his condition, and compels him to submit

to his punishment without a murmur, rendering him tame and docile, and humbly grateful to every one that may benevolently call upon him, and break the monotonous tediousness of his solitude.

There have been added to the prison wharf during the year nearly two acres of land, which has been made by the Charlestown Branch Rail-road Co., for the use of the prison, so that the prison wharf now adjoins the rail-road. It is a part of the contract with the rail-road company that this land shall be fenced from the rail-road, with a strong and high fence. But during the year it has been open, and the convicts whose duty it is to work upon the wharf, have been as much exposed as they would have been to work in the highway. It is hoped that this fence may soon be made, and the danger of escapes from this quarter may be diminished.

The Legislature of 1844 appropriated \$6000, for repairs and improvements of the prison. About \$3000 of this appropriation was expended previous to my last report, and the improvements have been continued and finished during the past year. Under this appropriation I have caused to be built a very convenient and handsome guard-house at the front gate, a heavy new front gate to the prison yard, a new brick barn 35 by 25 feet in dimensions, raised upon a substantial stone foundation laid on piles, with a good slated roof; a new brick wall from the old prison to the old store house, nine feet high with strong battlements and hammered granite capping; five new watch-houses upon the prison wall, projecting in part over the wall into the yard, with glass windows, so as to afford the best possible view of the whole interior of the prison. I have thoroughly repaired the platforms, pickets and fences upon the wall around the whole prison yard, making a large portion of them entirely new. I have built a large new coal shed upon the wharf. I have thoroughly repaired the stone sheds, new cilling, shingling and making new windows in them. I have repaired and new slated the roof of the blacksmith's shop, and new slated the north side of both wings of the old prison. I have built a new cistern in the prison yard which will contain 300 hhds. of water, so contrived as to take all the water from

all sides of the very large stone sheds, and have also made another large cistern at the lower end of the new workshops, to take the water from the north side of those buildings. I have built a new prison vault, so as to empty into tide water without the prison walls, and discontinued the old vault which used to empty into the prison canal, rendering all attempts, heretofore, to keep the canal clean and pure, utterly futile. I have provided the new vault with a new well and pump, so as to be able to keep it clean and free from offensive smells. I have altered all the doors of the cells in the new prison, affording the convicts more air and light. I have rebuilt the fences around the prison grounds, and repaired the guard room and warden's room, and supplied them with new furniture, thoroughly painting the buildings and fences within and without. The expense of all these improvements has exceeded the appropriation \$18 74, which I have paid from the prison funds.

The Legislature of last year appropriated \$3400, from the funds of the prison, and authorized the use of \$4611, which had been appropriated the year before, to meet a deficit in the income of the prison, as a fund for removing and rebuilding a range of workshops, making an appropriation of \$8,011 for this purpose. I have caused these shops to be rebuilt in the most thorough, durable and workmanlike manner, according to a plan in the office of the Secretary of the Commonwealth. They are built upon a solid stone foundation, with split granite underpinnings. The brick walls are 16 inches thick, with a heavy, substantial roof, well slated and made fire proof. The doors, which lead from shop to shop, are made of iron, to prevent the communication of fire. The whole is well glazed and painted, constituting a block of very light, airy, convenient and handsome shops. I have also caused the building heretofore used as a storehouse, to be converted into a dwelling house, and have so contrived as to make it into two tenements, having six rooms in each tenement; and I have let the same to two of the officers for a rent of \$225, including fuel. The whole expense of the workshops and the dwelling houses, is \$8,218 41, exceeding the appropriation \$207 41, which I have paid from the prison funds. In all these repairs, buildings and

improvements, I have been careful to have every thing done in the best possible manner, having regard to utility, durability and appearance. I have made it a rule to be as close and exact in the expenditure of the funds of the prison placed in my hands, as though they had been my own private property to be expended for my own private advantage.

An appropriation was made last year of \$100, for the purchase of a library for the use of the convicts, and a library has accordingly been purchased of between two and three hundred good books. They are given out and taken in, every Saturday afternoon. The convicts all seem anxious to get the books and appear to read them with great pleasure, and use them with great care. The number of books is not larger than the number of convicts, so that there are seldom many books in the library, and books can only be given out as they are returned. If the number of books were increased, it would allow of some choice in taking them from the library. And as the funds of the prison are amply sufficient, it would afford me pleasure to be authorized to expend a hundred dollars this year in the purchase of more books.

It gives me great pleasure to be able to bear testimony to the continued kindness, efficiency and goodness of the Rev. Chaplain, to the skill and great success of the Physician, and to the fidelity and humanity of all the subordinate officers of the prison.

The accounts for the past year, together with the vouchers, having been examined and approved by the Hon. Board of Inspectors, shall be duly deposited in the office of the Treasurer of the Commonwealth.

The expense of repairs and improvements made by the authority of the Legislature, up to September 30th, 1844, was as follows:

To amount of bills paid for materials and la- bor, -	\$2,960 36	By cash received of the Treasurer of the Commonwealth, \$3,000 00	
To amount of stone, from the prison stock, 125 16		Balance due from the appropriation, -	194 80
To amount of iron work furnished by the prison, -	109 28		
	<u>\$3,194 80</u>		<u>\$3,194 80</u>

The expense of repairs and improvements continued and finished during the last year :

To amount of bills paid for materials and la- bor, -	\$2,636 16	By cash received of the Treasurer of the Commonwealth, \$3,000 00	
To balance paid last year more than re- ceived of the trea- sury of the Com- monwealth, -	194 80	Balance paid from funds of the prison, 18 74	
To amount of stone from the prison stock, 56 80			
To amount of iron work furnished by the prison, -	130 98		
	<u>\$3,018 74</u>		<u>\$3,018 74</u>



The expense of removing and rebuilding the range of work-shops, and of altering the old stone house into dwelling houses :

To amount of bills paid for materials and labor, -	\$7,310 61	By cash received of the Treasurer of the Commonwealth, \$4,611 00	
To amount of stone from the prison stock, 293 46		Balance paid from the funds of the prison, 3,607 41	
To amount of iron work furnished by the prison, -	73 00		
To amount of labor of convicts at 42 cts. per day, -	541 34		
	<u>\$8,218 41</u>		<u>\$8,218 41</u>

The following schedule shows the disbursements and income for the year ending September 30th, 1845 :

*Dr. Disbursements and income from Oct. 1st, 1844, to Sept. 30th, 1845. Cr.*

To cash paid for provisions, -	\$6,612 13	By profits in Stone Department, .	\$10,936 28
Do. for Hospital Department, -	282 69	By profits in Labor Department,	19,309 67
Do. for Clothing,	4,381 64	By fees of admittance	1,480 70
Do. for Expenses and fuel, -	3,151 00	By rents, -	75 00
Do. to Prisoners discharged, -	338 00		
Do. for Officers' salaries, -	15,528 10		
Do. for Transportation of Prisoners, -	624 48		
Do. for repairs of Real Estate, -	76 26		
	<u>\$30,994 30</u>		
Balance of income, -	807 35		
	<u>\$31,801 65</u>		<u>\$31,801 65</u>

All which is respectfully submitted by

FREDERICK ROBINSON, WARDEN.

*Massachusetts State Prison, Nov. 28th, 1845.*

*To His Excellency GEORGE N. BRIGGS, Governor of the Commonwealth of Massachusetts, and the Honorable Council:*

THE records of the physician's department of the prison, prior to the 22d of January of the present year, the time of my entering upon my duties, show that, since the last annual report up to that date, 42 patients had been admitted to the hospital. One death occurred from paralysis. The number of days spent in the hospital was 1,296. The number of days' labor abated to invalids was 98; and 246 days of light labor had been ordered by the physician.

Since the 22d of January no death has occurred in the institution. 20 patients have been admitted to the hospital; 643 days, a large portion of which has occurred in the instance of two or three patients, have been spent in the hospital; 186 days of labor have been abated to invalids for a day; and 313 days of light labor have been allowed under my prescription.

The total of statistics of the health of the institution reckoned thus, would be as follows:—

	No. of Deaths.	No. of Patients admitted to Hospital.	No. of Days spent in the Hospital.	No. of Days labor excused.	No. of Days light labor	Average No. of Sufferings daily.
From Sept. 30th, 1844, to Jan. 22d, 1845, . . . . .	1	42	1296	98	246	7 and a fraction.
From Jan. 22d, 1845, to Sept. 30th, 1845, . . . . .	0	20	643	186	313	
Total for the year 1845, .	1	62	1939	284	559	

These statistics show that a great degree of health has been enjoyed at the prison during the time I have been connected with it. Beyond the information conveyed by these numerical results, the character of the diseases has generally been pulmonary attacks, occurring in the winter, or diarrhoea, of which

we had most in the warmest part of the summer. Cases of this latter kind have readily yielded to medicine; and, on the whole, I should conceive the statement well warranted that an equal, or even greater than the average health of the community, has been enjoyed by the convicts.

The number of applicants each day, as above given, by no means shows that any thing serious was ailing as many as seven per day. Besides a humane liberality exercised by the officers in allowing the men to state their complaints if they fancy they have any, and in whose instances it often happens that they are fanciful, a large number receive some trifling prescription without any interference with their usual occupations. Occasionally, an instance occurs where illness is feigned designedly; but such attempts are usually unsuccessful, and are not of frequent occurrence. Many of the applicants, of course, are refused the prescription of the active remedies which they imagine they need, and are often sent back without any prescription at all; but their reception of such refusal has generally been good-natured and good-mannered, and as docile as I could expect.

Connected with the health of the prison, I beg leave to mention two subjects which I deem important to receive attention; a better ventilation of the sleeping cells, and more complete apparatus for bathing.

The defect of the former seems owing to the mode of construction of the night prison, in not having larger outer windows. The deficiency in question is only felt in the extreme heat of summer. To this cause in part is attributable the diarrhœa which quite a number experienced a slight attack of, as above noticed. This subject has received the attention of the warden; but at present I understand he considers it doubtful whether a remedy can be afforded without a substantial alteration of the prison structure.

In regard to the matter of bathing, no argument need be used to show that an occasional bath of warm water, during the cold months of the year, would conduce as much to health as to cleanliness. At present, the prison is without this useful and salutary convenience, and therein is behind the better or-

dered arrangements, in this behalf, of a prison on the solitary system of another state.

The beneficial operation of the establishment of the Board of Commissioners on Lunacy, to investigate cases of insanity in the prison, has had but little occasion to display itself during the past year. No instances have occurred requiring a removal of an insane prisoner to the State Lunatic Hospital. But I have been glad to avail myself of their advice in one instance, where, though I was persuaded of the insanity of the convict, I thought fit to yield to the prisoner's own request, and permit him to return to labor. This was after he had become tranquil, and when employment would obviously be better for his health than confinement.

At the meeting of the Commissioners, the others were of the same opinion, and the convict soon regained his health.

It must be obvious, however, that the coöperation of skilful and scientific physicians who have devoted an exclusive attention to the intricate subject of insanity, must be of great advantage in judging of the responsibility of those who are made the subjects of prison punishment, and of the expediency of their removal.

In this my first report, I desire to make a more than formal acknowledgment to the warden and other prison officers, and to my assistant in the hospital, Mr. James M. Francis, in particular, for their friendly coöperation in aid of the discharge of my duties.

Very respectfully,

J. W. BEMIS,

*Physician of Massachusetts State Prison.*

Charlestown, Nov. 1st, 1845.

# SENATE.....No. 4.

## Commonwealth of Massachusetts.

ADJUTANT GENERAL'S OFFICE, }  
Boston, Dec. 31, 1845. }

To His Excellency GEORGE N. BRIGGS,  
Governor and Commander in Chief :—

SIR :—I have the honor to transmit to your Excellency herewith, an Abstract of the Annual Division and Brigade, and Assessors' Returns of the Militia of the Commonwealth, for the year 1845, together with a Return of the Ordnance and Ordnance Stores, Military Equipments, &c., in the Arsenal at Boston and Cambridge, at present under my care as Quarter Master General.

The entire military force of the State amounts to 90,807 men, being an increase over that of 1844, of 2903 men.

By the laws of Massachusetts, this force is divided into two bodies, the Enrolled and the Active Militia.

The following table exhibits the Returns of the Enrolled Militia of the several Counties, for the years 1844 and 1845 :

	1844.	1845.		1844.	1845.
Essex, . . .	9,507	9,239	Worcester, . .	11,991	13,189
Middlesex, . .	14,381	15,050	Franklin, . .	2,689	2,875
Suffolk, . . .	5,797	4,446	Hampshire, . .	3,360	3,231
Norfolk, . . .	6,676	8,337	Hampden, . .	4,585	4,115
Bristol, . . .	8,553	8,918	Berkshire, . .	4,794	5,163
Plymouth, . .	5,412	5,841			
Barnstable, . .	2,697	2,999	Total, . . .	*81,532	84,470
Dukes, . . .	348	419			
Nantucket, . .	741	649	Gain in 1845, .	. . . .	2,938

\* Erroneously given in Report of 1844 as 81,441.

The Returns from the cities and towns, through the hands of their several clerks, are due at this Department, before the first day of July in each year. But there are frequent instances of remissness in duty, and, though the returns for 1844 and 1845 have been all received, it was not accomplished but with considerable effort. Fifty-four towns in 1844, and twenty-five in 1845, had not made their returns at the date specified in the law. The following is a list of those deficient the present year :—

Buckland,	Egremont,	Littleton,	Prescott,
Canton,	Greenfield,	Ludlow,	Rochester,
Cheshire,	Haverhill,	Montague,	Sheffield,
Conway,	Lee,	Mt. Washington,	Stockbridge,
Dalton,	Lenox,	New Marlboro',	Uxbridge,
Dana,	Lincoln,	Palmer,	Washington,
			Worthington.

Letters were sent to notify of the neglect, and returns were received from the clerks of these towns before the 1st of August. The delay was, in most instances, attributed to the neglect of the Assessors in furnishing the clerks with the proper lists.

Being satisfied, on examining the Returns, that there must have been, in several instances, little attention paid towards making them accurate, I wrote upon the subject to the Assessors of the following cities and towns, desiring them to review their Returns, and correct them, if correction were needed.

Andover,	Bridgewater,	Gt. Barrington,	Northfield,
Ashburnham,	Chatham,	Haverhill,	Salem,
Ashfield,	Cambridge,	Leverett,	Shutesbury,
Bernardston,	Charlemont,	Lowell,	Tewksbury,
Belchertown,	Dedham,	Lynn,	Wrentham,
Bolton,	Duxbury,	Mendon,	West Newbury,
Buckland,	Fairhaven,	Newbury,	Watertown,
Boston,	Greenfield,	Newburyport,	Winchendon.

The corrections made, increased the number of enrolled men to nearly the difference between the enrollment of the present and the last year, (say 3000). Yet there are evident inaccuracies in many of the returns, and I again quote the instance of the city of Boston, referred to in my Report of the last year. There is again a falling off in the number of able-bodied men between eighteen and forty-five, and this too, in a rapidly increasing population. The subjoined Table differs

from that given in my Report for 1844, being founded upon information derived from Lemuel Shattuck, Esq. of Boston, who has been engaged during the past summer, in taking a census of the population of the city. The result of his labor shows an aggregate of 114,366. He informs me that the population given in the U. States census at 93,383, for the year 1840, is inaccurate, being undoubtedly too large. The errors which he has discovered, induce him to believe that 85,000 is not far from the true population of 1840. Taking that number, and the result obtained by Mr. Shattuck's labors, as data, the annual rate of increase from 1840 to 1845, is  $6\frac{115}{1000}$  per cent. per annum, at which I have computed the present Table.

	1840.	1841.	1842.	1843.	1844.	1845.
Population, . . .	85,000	90,198	95,714	101,567	107,777	114,366
Enrolled Militia, . .	9,641	8,064	7,040	6,496	5,043	3,705
Diminution, . . .	.	577	1,024	544	1,453	1,338

The diminution noticed above will be the more strikingly exhibited, by placing the population and enrollment of 1840 and 1845, in juxtaposition.

	1840.	1845.	
Population, . . .	85,000	114,366	29,366, increase of population.
Enrolled Militia, .	9,641	3,705	5,936, diminution of enrolled militia.

With these data, it would not be difficult to show, that by the year of our Lord 1850, Boston will contain no able bodied men between the ages of eighteen and forty-five. Of the aggregate, 114,366, there are 31,158 males between the ages of eighteen and forty-five.

From this number, say—	-	-	-	-	31,158
Deduct, say, one-third for exempts,	-	-	-	10,386	
And active militia of the city,	-	-	-	1,169	
				<u>11,555</u>	
And there remain,	-	-	-	-	19,603



able bodied males liable to enrollment, between the ages of 18 and 45. The return received from the assessors of the city for the year 1845, gives, as has been shown, only 3705, or more than 15,000 short of the estimate founded on an actual taking of census. There has been, it would appear, a great remissness in duty. The same remark applies, though not in an equal degree, to some other cities and towns in the State. The population of Springfield has increased since 1840, from, say 10,000 to 14,700. Its enrollment has been as follows :

1840.	1841.	1842.	1843.	1844.	1845.
1575	1339	1672	1864	2040	1271

Two Companies of Light Infantry were raised in the town in 1844, comprising, say 120 men; yet the entire falling off in the enrollment the present year, is 769.

The towns appended below are additional examples of inaccuracy in their enrollment.

	First Returns.				Corrected Returns.			
Dedham,	-	-	155	-	-	-	501	
Duxbury,	-	-	282	-	-	-	357	
Wrentham,	-	-	243	-	-	-	273	
Greenfield,	-	-	133	-	-	-	214	
Ashfield,	-	-	91	-	-	-	173	

It is of great consequence that the enrollment should be accurately made, since upon the aggregate of our enrolled and active militia, depends the quantity of military supplies annually apportioned to the State, under the law of 1808, by the Government of the United States.

An abstract of the Division Returns of the present year, exhibiting the force of the active volunteer militia, as inspected on the 28th of May last, is given in the subjoined Table.

		Brig. & Reg. Field & Staff.	Brig. Band.	Cavalry.	Artillery.	Infantry.	Riflemen.	Total.	Division Staff.	Cadets.	Grand Total.
1st Div.	1st Brig., Gen. Tyler,	27	17	198	203	774	114	1333	} 6	83	2157
Gen. Howe,	2d " " Dunham,	27	16	.	192	393	107	735			
2d Div.	3d Brig., Gen. Dana,	30	16	.	261	747	130	1184	} 6	62	2155
Gen. Adams,	4th " " Sutton,	17	18	.	250	568	50	903			
3d Div.	5th Brig., Gen. Hobbs,	21	.	.	95	664	46	826	} 6	17	757
Gen. Nettleton,	6th " " Jones,	32	9	45	285	554	.	925			
Grand Total,		.	.	.	.	.	.	.	.	.	6069

Of these were absent from parade, as follows:—

From the First Brigade,	.	.	.	366
" Second "	.	.	.	80
" Third "	.	.	.	151
" Fourth "	.	.	.	212
" Fifth "	.	.	.	92
" Sixth "	.	.	.	102
" Cadets of 1st Division,	.	.	.	20
" " 2d "	.	.	.	9

To this add all the Field and Staff Officers, and  
the members of the Brigade Bands, as they are not  
inspected until the Fall Reviews,—being equal to 248 } 1032 } 1280

And there remain, as present at the May Inspections, 4789

By the May Inspection Returns, therefore, of Captains of Companies, which, after having passed into the appropriate Returns of the Commanding Officers of Battalions, Regiments and Brigades, are eventually consolidated into the Division Returns of the Major Generals, it appears that the volunteer force amounted to 6069 men, being 931 men short of the complement of 7000 men, allowed to be organized by law. This number of men (6069), is, however, somewhat larger than what may be considered as a reliable force, there having been returned among the absentees, in some cases; men who are *never* present, and are considered merely as honorary members of certain corps.

Having exhibited the result of the May Inspection Returns, I now proceed to those of the Autumnal Field Inspection.

The whole volunteer force of the State for the year 1845, as given in the Autumnal Field Inspection Returns, consists of

Field and Staff Officers, amounting to	.	.	174	men,
1 Troop of Cavalry,	"	.	239	"
24 Companies of Artillery,	"	.	1302	"
72 " Infantry,	"	.	4025	"
9 " Riflemen,	"	.	523	"
— and 5 Brigade Bands,	.	.	74	"
106	.		<u>6337</u>	

Arranging this force by Divisions and Brigades, the following is the result :—

			Brig. & Reg. Field & Staff.	Brig. Band.	Cavalry.	Artillery.	Infantry.	Rifemen.	Total of Brig. ade.	Division Staff.	Cadets.	Total of Di- visions.	
1st Div.	} 1st Brig.,	Gen. Tyler,	25	18	239	219	662	140	1303	} 6	82	2186	
Gen. Howe,		" Dunham,	27	14	.	186	464	104	795				
2d Div.	} 3d Brig.,	Gen. Dana,	28	14	.	260	757	146	1205	} 6	64	2244	
Gen. Adams,		" Sutton,	25	17	.	250	606	71	969				
3d Div.	} 5th Brig.,	Gen. Hobbs,	17	.	.	117	714	62	910	} 6	.	1902	
Gen. Nettleton,		" Jones,	29	11	.	270	676	.	986				
			151	74	239	1302	3679	523	6168	18	146	6332	
Add General Staff,											.	.	5
												6337	

By this table it appears, then, that the whole active volunteer force of the State, amounts to . . . 6337 men.

Of this number there were absent on the days of Fall Review:

From the First Brigade,	.	.	.	437 men,
"    Second    "	.	.	.	65 "
"    Third    "	.	.	.	194 "
"    Fourth    "	.	.	.	243 "
				<hr/>
Carried up,	.	.	.	939 men.

Brought up,	.	.	.	939	men.
From the Fifth Brigade,	.	.	.	60	"
" Sixth	"	.	.	117	"
" Cadets of 1st Division,	.	.	.	16	"
" " 2d	"	.	.	25	"
" Staff Officers,	.	.	.	19	"
					1176

Leaving as actually in field at Fall Reviews, 5161

Arranging the Troops by Counties, for the years 1844 and 1845, we have the following result :

	1844.	1845.		1844.	1845.
Essex, . . .	1105	1034	Dukes, . . .	000	000
Middlesex, . . .	1102	1211	Nantucket, . . .	000	000
Suffolk, . . .	1040	1134	Worcester, . . .	779	910
Norfolk, . . .	386	258	Franklin, . . .	436	514
Plymouth, . . .	669	646	Hampshire, . . .	332	122
Bristol, . . .	175	148	Hampden, . . .	299	355
Barnstable, . . .	000	000	Berkshire, . . .	49	000
			Men.	Companies.	
Total, 1844,	.	6372		112	
" 1845,	.	6332		106	
Diminution,	.	40		6	

There are now 16 Companies and 923 men fewer than there were in the year 1840, when the present organization went into effect.

I now proceed to show the numerical strength of each Regiment, and Battalion, and of certain individual Companies in the service. The table contains, also, the average number of men present in each Company in the Regiments and Battalions, and shows the average number of each Company, present and total :—

	Total.	Whole number Present.	Whole number Absent.	Total of each Arm.	Average of each Company.	
					Present.	Total.
CAVALRY—National Lancers,	239	91	148	239	91	239
ARTILLERY.	1st Reg., Col. Schouler,	211*	174	37	42	51
	2d " " Bowler, .	262	244	18	58	62
	3d " " Thayer, .	279	249	30	48	54
	4th " " Hall, .	193	169	24	41	47
	5th " " Chace, .	226	198	28	48	53
	Groton, annexed to 5th Infantry, .	55	55	0	55	55
	Milford, annexed to 8th Infantry, .	56	49	7	49	56
	Leominster, annexed to 9th Infantry, .	61	57	4	57	61
	1st Reg., Col. Spooner,†	608	397	211	39	61
	3d " " Ward, .	599	547	52	52	55
LIGHT INFANTRY.	4th " " Douglass,	492	381	111	41	54
	5th " " Shattuck,	429	348	81	49	60
	6th " " Andrews,†	543	355	188	39	60
	8th " " Rawson,	185	131	54	31	45
	9th " " Barrett,	616	565	51	55	60
	10th " " Edwards,	357	331	26	53	58
	11th " " Look,	335	286	49	46	55
	1st Battalion, Maj. Bates,	136	116	20	37	44
	3d " " Stiles,	82	49	33	24	40
	4th " " Heath,	140	103	37	34	47
	Cadets of 1st Division, } Lt. Col. Brimmer, .	82	65	17	65	82
	Cadets of 2d Division, } Capt. Miller, .	64	38	26	38	64
				4668		

\* This column of Reg. and Bat. Totals, includes Field and Staff Officers.

† The 2d and 7th Regiments are extinct.

The present organization of the Troops, consists of three Divisions and six Brigades, embracing one Troop of Cavalry, five Regiments, and three "annexed" Companies of Artillery, two Divisionary Corps, nine Regiments, and three Battalions of Light Infantry, under the following arrangement :—

## FIRST DIVISION.

## SUFFOLK, NORFOLK, PLYMOUTH AND BRISTOL.

FIRST BRIGADE. SUFFOLK AND NORFOLK.		SECOND BRIGADE. PLYMOUTH AND BRISTOL.	
Cavalry, National Lancers,	1 Comp.	Artillery, 4th Regiment,	4 Comp.
Artillery, 5th Regiment,	4 "	Infantry, 3d "	10 "
Infantry, 1st "	10 "		
" 1st Battalion,	3 "	Total 2d Brigade,	14 "
" 3d "	2 "	" 1st "	20 "
		Divisionary Cadets,	1 "
Total Brigade,	20 "	Total Division,	35 "

## SECOND DIVISION.

## ESSEX AND MIDDLESEX.

THIRD BRIGADE. MIDDLESEX.		FOURTH BRIGADE. ESSEX.	
Artillery, 1st Regiment,	4 Comp.	Artillery, 2d Regiment,	4 Comp.
" Groton annexed to		Infantry, 6th "	9 "
5th Infantry,	1 "	" 4th Battalion,	3 "
Infantry, 4th Regiment,	9 "		
" 5th "	7 "	Total 4th Brigade,	16 "
		" 3d "	21 "
Total Brigade,	21 "	Divisionary Cadets,	1 "
		Total Division,	38 "

## THIRD DIVISION.

## WORCESTER, FRANKLIN, HAMPSHIRE AND HAMPDEN.

FIFTH BRIGADE. WORCESTER.		SIXTH BRIGADE. FRANKLIN, HAMPSHIRE & HAMPDEN.	
Artillery, "Milford" annexed		Artillery, 3d Regiment,	5 Comp.
to 8th Infantry,	1 Comp.	Infantry, 10th "	6 "
" "Leominster" annexed		" 11th "	6 "
to 9th Inf.	1 "		
Infantry, 8th Regiment,	4 "	Total 6th Brigade,	17 "
" 9th "	10 "	" 5th "	16 "
Total Brigade,	16 "	Total Division,	33 "

A very great proportion of the Volunteers is invariably absent from the Fall Reviews, particularly from the First Brigade. The following table shows the numbers present and absent, in each year, since the present system went into operation :—

	1840.	1841.	1842.	1843.	1844.	1845.
Present, . . .	4779	4916	5262	5575	5511	5161
Absent, . . .	1293	851	769	681	861	1176
Total, . . .	6072	5767	6031	6256	6372	6337

The absentees from the Fall Reviews are much more numerous in the Companies of the maritime Regiments, than in those of the interior. Take, for example, the First and Ninth Regiments of Light Infantry, as they are about equal in numerical strength, excluding the "Lancers" from the one and "Leominster Artillery" from the other.

Arranging them side by side, for convenient reference, the following is the result :—

1st INFANTRY, Col. Spooner. ( <i>Suffolk.</i> )	Present.	Absent.	9th INFANTRY, Col. Barrett. ( <i>Worcester—North.</i> )	Present.	Absent.
Field and Staff, . . .	8	.	Field and Staff, . . .	10	.
Comp. A, Boston Lt. Inf., .	41	.	Comp. A, of Ashburnham, .	53	10
" B, New Eng. Guards, .	21	44	" B, of Fitchburg, .	47	13
" C, Pulaski " .	35	4	" C, of Leominster, .	48	14
" D, Mechanic Rifles, .	54	43	" D, of Westminster, .	56	2
" E, City Greys, .	46	18	" E, of Hubbardston, .	52	5
" F, Hancock Lt. Inf., .	34	25	" F, of Sterling, .	63	2
" G, Wash'n Lt. Guard, .	38	17	" G, of Templeton, .	63	1
" H, Wash'n Phalanx, .	38	21	" H, of Gardner, .	54	3
" I, Norfolk Guards, .	39	17	" I, of Royalston, .	63	1
" K, Wash'n Lt. Inf. .	43	22	" K, of Winchendon, .	56	.
Total present and absent, .	397	211	Total present and absent, .	565	51
Average of each Comp. do.	40	21	Average of each Comp. do.,	55	5
Total Strength, . . .	608		Total strength, . . .	616	

This great number of absentees is much to be regretted; particularly so, since the absences occur on the only occasion on which instruction can be given to the entire Regiment in Battalion movements. I attribute them, mainly, to the great and unnecessary delays which so often attend and embarrass our Fall Reviews.

Since the first of January last, there have been raised five new Companies of Light Infantry, viz :—

January 3d,	Company I,	(Royalston,)	9th Regiment.
"	"	K, (Winchendon,)	" "
February 18th,	"	D, (Shutesbury,)	11th "
July 16th,	"	C, (Westfield,)	10th "
"	"	D, ( " )	" "

On the dates given below, petitions were granted for raising three new Companies of Light Infantry, in addition to the above :—

August 5th,	Company I,	(Monson,)	10th Infantry.
September 13th,	"	E, (West Boylston,)	8th "
December 4th,	"	G, (Adams, Cheshire & Savoy,)	10th "

Official notice of their organization has not been yet received.

The following Companies have been disbanded since the first of January :—

*First Division.*

Jan. 2d,	Company D,	(Boston,)	of the 1st Reg. Lt. Inf.
March 3d,	"	E, (of Dorchester,)	" 5th " of Art.
May 27th,	"	D, (Needham,)	" 1st Batt. Lt. Inf.
August 21st,	"	C, (Taunton,)	" 2d " "
Sept. 11th,	"	A, (Boston,)	" 1st " Riflemen.

*Second Division.*

Feb. 17th,	Company B,	(Rockport,)	of the 2d Batt. of Rifle'n.
March 3d,	"	A, (Ipswich,)	" 7th Reg. of Lt. Inf.
May 16th,	"	C, (Charlestown,)	" 4th "



*Third Division.*

June 16th,	Company B,	(Monson,)	1st Batt. of Artillery.
Aug. 27th,	"	C, (Southampton,)	10th Reg. of Lt. Inf.
"	"	D, (Lanesborough,)	" "
Aug. 28th,	"	A, (Chesterfield,)	1st Batt. of Cavalry.
"	"	C, (Williamsburg,)	" "

There are yet other Companies, which, from the reduced numbers of men enlisted into them, must be soon disbanded. The disbanding of certain of the Companies above named, caused the disbanding, likewise, of the First (and only) Battalion of Cavalry, of the two Battalions of Riflemen, and of the Seventh Regiment of Light Infantry. There is a deficiency in the service of fourteen Companies, and of six hundred and sixty-eight men.

During the year, one hundred and sixty-eight officers of various grades have been discharged, and two hundred and forty one have been commissioned. There are but forty-eight vacancies in the service, excluding non-commissioned Staff Officers.

The frequent changes which take place among the officers, are a subject of regret and a great injury to the service. This remark is particularly true, when applied to Company officers.

Our Companies are the primary schools of military instruction. In fact, they are almost the only source of instruction given to the soldier. The Colonel meets his Regiment but once a year, and that on the day of Annual Inspection and Review, when much of the time is wrongly consumed in ceremony. It is upon Company officers, therefore, that the burden of instruction devolves, and a longer continuance of those officers in the service is most desirable.

"Captains of Companies fill," say the Army Regulations, "one of the most important situations in an army, when viewed in relation to the direct influence exerted upon the soldiery. To them attaches the high responsibility of the instruction, good order, efficiency and discipline of their appropriate commands." This remark is still more fully and forcibly applicable to Captains in the militia service. They also declare that "every captain should be capable of commanding

and exercising his company in every situation, and be able, after two years' service, to perform all the duties of a Field Officer."

Our Artillery continues to bear an inordinate proportion to our Infantry, there being 24 Companies of the former, with 48 guns, to 81 of the latter, including Riflemen. This ratio is immense, and could not for a moment exist in actual service.

Napoleon, aware as he was of the advantage of Artillery, never employed in any of his battles, any thing like such a proportion of it to his other arms. He commenced his first campaign in Italy with 42,000 men, and only 60 pieces of Artillery, being one gun for every 700 men. His Grand Army for the invasion of England, which was afterwards employed against the allied troops in the direction of the Rhine, resulting in the battle of Austerlitz, consisted of 180,000 men and 400 pieces of Artillery, or one gun for every 450 men.

At the battle of Waterloo, the Anglo-Allied Army, under Wellington, consisted of 68,000 men and 156 guns, or one gun to every 436 men, nearly—while the French, under Napoleon, had 72,000 men and 246 guns, or one gun to every 292 men, almost double the ratio of the English.

By the general rule laid down by military writers, the Infantry of an army is to form the basis of the apportionment. The Cavalry should be from one fourth to one sixth of the Infantry, according to the character of the war; the Artillery, about two-thirds of the Cavalry, or one-seventh of the Infantry, and the Engineers, from one-half to three-fourths of the Artillery, say about two-thirds. The Staff and administration corps must vary according to the nature of the organization, and the character of the theatre of war. In our service, most of these duties are performed by officers of the regiments, so that our staff and administration corps are small. The former ought to be from 2 to 5 in a thousand, and the latter from 25 to 75, as a general rule. These ratios would give for a good army organization:—

*Staff, about . . . . .	5
Administration service, pay, medical, commissary, quarter master, &c., . . . . .	65

\* Lt. Halleck's Lectures on Military Art, before Lowell Institute.

Infantry,	.	.	.	.	.	.	650
Cavalry,	.	.	.	.	.	.	130
Artillery,	.	.	.	.	.	.	90
Engineers,	.	.	.	.	.	.	60
							<hr/>
Total,							1000

For every thousand men in our present army organization, we have for Staff duty, about	.	.	.	.	2
" Administration duty,	.	.	.	.	20
" Infantry,	.	.	.	.	513
" Cavalry,	.	.	.	.	150
" Artillery,	.	.	.	.	310
" Engineers,	.	.	.	.	5
					<hr/>
Total,					1000

In the Army of the United States there are four Regiments of Artillery to eight Regiments of Infantry, ten being the number of Companies in a Regiment of either arm. Each Company of Artillery is intended to supply a battery of six Field pieces, though with the present reduced number of officers and men (58, all told,) it cannot well accomplish that intention. Four Regiments of Artillery comprise forty Companies, and if each had a battery of six pieces, we should have a grand total of 240 guns.

If this were the actual outfit of the Artillery in the regular service, the organization would be exceedingly faulty, even more so than that of Massachusetts. The whole force of the Army, as given in the Army Register for 1845, is 8616 men. Taking the above number of guns, (240) we have one gun to every 36 men. In our State, with 48 guns to 6332 men, it is at the rate of one gun to every 132 men.

The law of the United States (1792) declares, that the Artillery shall not exceed "one Company to a Regiment, nor be more in number than one-eleventh of the whole." There is, then, an apparent contradiction in the Artillery arrangement of the Army. But it must be borne in mind, that the rigid application of a just ratio of the Artillery to the Infantry, was nev-

or designed to be made in our service. It was the intention to fulfill the wants of the fortifications on an extended sea-board, and not to employ the whole as Field Artillery. When withdrawn from the fortifications, and actually employed in the field, nine Companies, at least, out of the ten in every Regiment, act as Infantry. In our own State service, the drilling of the Artillery as Infantry, has been during the past year, still further persevered in. And I am happy to state, that all the Companies in the 2d, 3d, and 5th Regiments, and a part of those in the 1st and 4th, are well qualified in Infantry tactics, in addition to their capabilities as Artillerists. The present arrangement and condition of our Artillery, is a manifest improvement upon those of any former period. And if the Commanding Officers of Regiments, and of Companies, in particular, will lend their coöperation, and faithfully carry out the orders and directions emanating from Head Quarters, a still further improvement may be insured. Should Congress, as has been recommended in the late Report of the Secretary of War, act upon the subject of the Militia, and authorize a system by which our Infantry would be increased in number, the present undue proportion of Artillery might not exist.

The Legislature of 1845, in compliance with a recommendation to that effect, directed that "Cooper's Concise System of Instructions and Regulations for the Militia of the United States," should be purchased, distributed and established for the observance of our volunteers. This excellent Treatise is based upon the systems established by authority for the discipline of the different arms composing the Army of the United States, and comprises the exercises and movements of Infantry, Light Infantry and Riflemen, Cavalry and Artillery, together with all necessary instruction for performance of garrison and camp duty—for parades, reviews, inspections, arrests, confinements and courts martial—and, in fine, for every duty connected with military service. I know of no work so comprehensive, so well arranged, and so thoroughly adapted to the wants of the Militia Service, as is the edition which, at my request, was specially prepared by the author for our State. Soon after the Resolve of March 14th, authorizing the purchase

of the work, I commenced a correspondence with Major Cooper, detailing to him minutely the condition of our troops, particularly of the Artillery Arm, and desiring that such directions should be given, as would, in some degree, obviate the difficulties under which it labored. In the regular service six guns, each, attended by its caisson, constitute a battery, and all works upon Artillery Tactics give their instruction as for the full battery. In our service each company is furnished with but two field pieces and one caisson. A Company with us, therefore, if it had one caisson more, would constitute a section of a full battery. We have in each Artillery Company an average of 56 men, and as twenty-five men, (drivers excluded,) are amply sufficient to man two pieces, there is, on occasions of parade, a large number of men unemployed. In a Regiment of our Artillery, consisting of four Companies, we make the nearest approach to the full battery, and on days of Regimental parade, there would be required to serve the eight guns, say 100 men, leaving nearly 125 unemployed. By the arrangement now adopted, the particulars of which need not be here detailed, these men are armed and disciplined as Infantry, and may be considered as an actual gain in the Infantry force, while the efficiency of the Artillery has not been impaired. The men detailed to serve the pieces, are armed as heretofore, with the common artillery sword, an awkward and unseemly weapon of French pattern, originally intended, I believe, for slashing bushes, cutting fascines or fodder, or for defence, if needed, against a sudden attack of Cavalry, or when hard pressed by any other foe. It should never be drawn on occasions of parade and review, though some of our Artillery Companies persist in carrying it at "a shoulder," or "a slope," or in some other position found only in a manual of their own invention. An improvement in arming the Artillery, would be to furnish the gunners and matrosses with the musketoon, to be slung when the men are at the guns, and to be handled at other times by the manual of the musket. This object can be accomplished as soon as musketoons are furnished by the General Government.\* This weapon, with some alterations, becomes a

\* No musketoons, however, can yet be procured of the United States.

carbine for the use of Cavalry. A still greater improvement in our Artillery, would be to convert permanently one half our Companies into Infantry, and to give to each remaining Company four field pieces and four caissons, each drawn by four horses, the smallest number that can be used in actual service with any expectation of efficiency. In a volunteer service, however, there are obviously unmanageable difficulties, and we must do the best we can under all circumstances.

I am strengthened in the opinion which I expressed in my last Report, with regard to the inexpediency of hauling all our Artillery to the Regimental Review Ground. The expense incurred by the State in 1844, was about \$965, and it will not be greatly lessened this year. I quote from page 11, Report of 1844, and again recommend the adoption of the proposition therein made.

"I am much inclined, in relation to the Artillery, to recommend a different and more economical course on occasion of Brigade and other Reviews. This is, that, with the exception of one, (or at most, two) Companies, to be designated by the Colonel of the Regiment, they should appear armed and equipped as Infantry, and be so inspected and reviewed, the expense to the State of hauling the field equipage being materially lessened. That their guns and caissons may pass under the necessary examination of the Brigade Inspector, that officer, being apprised of the day by the commander of the corps, should attend and discharge his duty of inspection, on one of the days of company training. His expenses, which, in such case, should be allowed, could not possibly equal a third (nor even a fourth) part of the sum now allowed to a single regiment, for hire of horses, on the day of autumnal parade."

Before leaving the subject of Artillery, it will be proper for me to speak of the condition of the Gunhouses in different parts of the Commonwealth. In my Report for 1844, I gave particular information upon this subject, founded upon replies made to questions directed to the Commanding Officers of all the Artillery Companies in the State. This information represented very many of them to be entirely inadequate for the safe protection of the State's property housed in them. Hav-

ing, during the past year, visited many of those represented as specially bad, I can fully corroborate the statements made in 1844 respecting them.

In consequence of the information given, the Legislature authorized the expenditure of a sum not to exceed \$4,000, in rebuilding and repairs. This amount was to be taken from the unexpended balance (\$6,128 28) paid over to me by my predecessor, of proceeds of sales of munitions of war in 1843. Early in the spring, I commenced visiting these buildings, (in part,) and made the necessary arrangements for the work to be done. New buildings, of the most convenient construction and of faithful workmanship, have been erected in Waltham, Concord, Belchertown, and at Shelburne Falls; and thorough repairs, to the necessary extent, made on those at Charlestown, Gloucester, Lynn, Newburyport and Plymouth. Slight repairs, (all that were needed,) have been also made at Salem, Greenfield, Northampton, and on two of the buildings (the Washington and Columbian) in Boston. There still remain, to be rebuilt, Gunhouses at Lexington and Plainfield; and to be repaired, those at Abington, Groton, Hanover, Leominster, Milford and Norton. As, however, the continuance of some of the last mentioned companies is matter of doubt, I have judged it my duty to wait until the condition of any given company warranted an expenditure in its behalf. For I could not consider that my obligations to the State would justify me in making an outlay of its funds, where the low state of a company seemed to give token of its falling into entire decay. In some instances, I have made the subject of repairs dependent on the success of the Company in improving its own condition. This mode has been in three instances attended with good results.

The amount expended on Gunhouses, thus far is, say \$2,168 53, leaving a balance of \$1,831 47 of unexpended appropriation for rebuilding and repairs before named. If it becomes necessary to rebuild at any places, where only repairs have been as yet contemplated, the above balance will hardly suffice; yet if the "appropriation for Gunhouses," of ordinary years, be made under the general appropriation for the

Department of the Quarter Master General, it would, with that addition, to be used or not, as the case might require, be ample enough.

The Monson Artillery has been disbanded, and it will be necessary to sell the Gunhouse and the land on which it stands. In order to dispose of them, authority must be given by the Legislature to some person to sign the necessary papers. This authority has been usually conferred upon the incumbent of this office. Should the usual precedent be followed, the sale may be immediately made. The same arrangements are necessary for the sale of land in the town of Barre.

The condition of the Gunhouse of the Boston Artillery Company (A, 5th Regiment) needs attention. The present building, situated on the public lands of the city, at the foot of the common, is entirely unsuited, both in size and location, for the purposes intended. The ground on which it stands is low and damp, being four feet below the level of the street, and the guns, carriages and equipments were so much exposed, that I have considered it my duty to house them in the Public Arsenal for the present. Should any arrangement be made between the State and the city, in relation to the Laboratory Buildings on Pleasant Street; (See Report of 1844, pp. 23 and 24,) it might result in the erection of a building, which would serve all the purposes of the State, and accommodate this Company at the same time. The buildings themselves need, as was represented by me last year, (Report for 1844, pp. 23, 24,) extensive repairs, and these must be made during the coming summer, if made at all. Yet I cannot see the necessity of retaining them, and again commend the subject for consideration.

In the fall of 1844, I was present at the Reviews of the First, Third, Fourth and Sixth Brigades, and in the fall of the present year, (1845,) I attended those of the First, Second, Fourth, Fifth and Sixth, so that, within the period of thirteen months, I have seen all the troops in the service, with the exception of two Companies, C and D, in the Tenth Regiment, belonging to Westfield. These were raised late in the last summer, and



the Review of the Regiment to which they belong, took place at Westfield on the day immediately preceding a Review which I was obliged to attend at Salem. I have, also, personally instructed several Regiments, and have uniformly embraced the opportunity afforded by these occasions, of accompanying the Brigade Inspectors, and of minutely examining the condition of the troops. I can bear ample testimony to the faithful and thorough manner in which the important duties of those officers were performed in inspecting the troops of the First, —, Third, Fourth, Fifth and Sixth Brigades.

I am also enabled to speak of the appearance and discipline of every Regiment and Battalion in the State,—and this I propose to do.

The National Lancers, Capt. Forristall, (1844-'45,\*) now the only corps of Cavalry in the State, appeared the past season, in an entirely new uniform and outfit complete for man and horse. It is an efficient body of men, and is reported by the Brigade Inspector as being "in a highly flourishing state." Its appearance has been uniformly good since its formation, and it has always promptly responded to every call made upon it for duty. The Cavalry exercises of the military schools, leaping the bars, running at the rings, with the sabre and lance, cutting at the heads, &c., might be easily and advantageously practised by the corps, in any open and tolerably level field.

The First Regiment of Artillery, (Middlesex,) Colonel Schouler, (1844,) consists of four Companies, all equipped with guns and field carriages and caissons of the new pattern, and all, excepting the Charlestown Company, with muskets. Its appearance, when I saw it at inspection and review in 1844, was favorable, though I have had no opportunity of seeing it under drill.

The Second Regiment, (Essex,) Colonel Bowler, (1844-'45,) paraded at Newburyport, and I regret to say, that, in consequence of the entire want of all military police, and of all attempts at obtaining a clear field, the ground was crowded by spectators and vehicles to such a degree, that the marching in

\* These figures indicate the years in which I saw the troops spoken of.

review was seriously impeded, and no accurate opinion of the general appearance of the Regiment could be formed. The Companies composing it, are, individually, of much excellence, and under good discipline. They are all well uniformed, and all fully equipped and instructed to act both as Artillery and Infantry.

The Third Regiment, (Franklin and Hampshire,) Colonel Thayer, (1844 and '45,) has improved in appearance remarkably within two years. It consists of five Companies. Four of them are newly uniformed, and the fifth, (which may possibly be changed to Infantry,) will be so in the coming spring. Two of them are supplied with guns, gun carriages and caissons of the new pattern, and the rest will be so the next season. All of them are equipped also as Infantry. The discipline of the Regiment is fair.

The Fourth Regiment, (Plymouth,) Colonel Hall, (1845,) consists of four Companies, all of which need to be newly uniformed. The disbandment of one of them may be considered as very probable, the other three will be likely to continue. These last are armed and equipped, likewise, as Infantry. The discipline of the separate Companies and the general discipline of the Regiment, might be advantageously improved.

The Fifth Regiment, (Suffolk and Norfolk,) Colonel Chase, (1844-'45,) is the best in the State. Its appearance at the late review was highly approved by competent judges. All the Companies are furnished with guns, gun carriages and caissons of the new pattern, are all armed and equipped as Infantry, and are under good discipline. The arrangement referred to on page 181 of Cooper's Tactics, was fully carried into effect in this Regiment, and partly in the Fourth, at their last parade. It was omitted in the First, Second and Third.

The Groton, Milford and Leominster Artilleries, respectively annexed to the 5th, 8th and 9th Regiments of Light Infantry, are all in an improving condition,—and are giving greater attention to their discipline and drill. Much yet remains to be done in all these Regiments and Companies in the improvement of their discipline. It is said that constant drill for six months, is requisite to make a good Infantry soldier; of twelve

months to make a good Cavalry soldier; and of two years to make a good Artillerist. Generally speaking, our Artillery receives less drill than our Cavalry or our Infantry, and our Infantry is better conditioned than any other arm in the service.

The Independent Corps of Cadets of the First Division, Lt. Col. Martin Brimmer, (1844 and '45,) is in very excellent condition, and is fully entitled to the highest praise. It has been raised, within the past fifteen months, from great and unwonted depression, to a remarkable state of discipline and effectiveness, and from the unwearied pains which continue to be taken by both officers and men, its promise of continued excellence must be fulfilled.

The Cadets of the Second Division, under Captain Miller, (1844-'45,) are not, at present, to be reported in so favorable terms, either in point of zeal or discipline. I speak of these companies singly, because they are not attached to any Regiment or Brigade.

The First Regiment of Light Infantry, Suffolk and Norfolk, Col. Spooner, (1844-'45,) to which the National Lancers are annexed, is the best disciplined Regiment in the State.\* Close and successful attention is paid to the attainment of exact conformity to the prescribed Tactics, and it is only to be regretted that it cannot be as highly commended for its numerical strength on the occasions of its review. About two fifths of its force were absent from the field in September last.

The Second Regiment is extinct.

The Third Regiment, Plymouth and Bristol, Col. Ward, (1845,) comprises within its limits several very excellent Companies, but the Regiment, as a whole, is not under good discipline.

The Fourth Regiment, Col. Douglass, and Fifth, Col. Shattuck, both of Middlesex, I saw at Concord in the Fall of 1844. There was manifestly very good material to operate upon, and many excellent single Companies, but, as in the case of the Third, a want of exact discipline.

\* The companies which compose it, are all entitled to high praise.

The Sixth Regiment, Essex South, Col. Andrews, (1844-5,) is the second in rank in point of discipline. On the occasion of its late Fall Review, the entire afternoon was devoted to Battalion drill, and the movements (as a whole,) were executed with readiness and skill. The Regiment labors, and has for many years, for the want of a full Field and Staff organization.

The Seventh Regiment (Essex North,) was disbanded the present year. I saw it in 1844, when its general condition was not good. It is now the Fourth Battalion.

The Eighth Regiment, Worcester South, Colonel Rawson, (1845,) is a very small corps, consisting of but four Companies of Infantry and one "annexed" Company of Artillery. One of the former must soon be disbanded. But little attention has been given by the Regiment, as a whole, to tactical movements. But of the single Companies which compose it, two of Worcester may be ranked among the best in the State.

The Ninth Regiment, Worcester North, Col. Barrett, (1845,) comprises all the troops in the North part of Worcester County. It consists of ten Companies of Light Infantry, with one Company of Artillery (Leominster) annexed. Of these, six have been raised, and eight, (including the six,) been newly uniformed within two years. A remarkable and praiseworthy degree of zeal pervades the whole. The different Companies had to march from five to seventeen miles to reach the parade ground at Westminster, and the day proving unpleasant, eight of the eleven, at a subsequent day, reassembled at Fitchburg, for a voluntary muster, exhibiting an interest and zeal in the service as commendable as it is rare. The Regiment, however, is defective in a knowledge of tactical movements.

The Tenth Regiment, (Hampden,) Col. Edwards, (1844,) and the Eleventh, (Franklin,) Col. Look, (1844-'45,) have both of them made very great improvement within a year, and deserve, in their general appearance, commendatory notice therefore. Their knowledge of tactics is defective. Some of the Companies need new uniforms.

The several Battalions of Light Infantry are in a general condition of defective discipline, though the First has improved

within the last year. In fact, the observations just made upon the several Regiments and Battalions, show that, excepting the Boston Cadets, and the First and Sixth Regiments of Light Infantry, there is a deficiency in the matter of discipline, and too frequently an improper neglect in the observance of many of even the commonest details of drill. I speak now of the Regiments, as such, not of the component Companies. For I wish to be understood, that while there are few well drilled Regiments, there are, all over the State, very many very excellent, efficient and well drilled single Companies. Yet they do not act well in the aggregate. The great difficulty, as I have said, (and is it not "*very great*"?) under which the whole service labors, is the want of an exact knowledge of tactical movements. The theory of markers and guides is not generally understood or applied, and in some parts of the State, there is extant a species of traditionary movements, consisting of various evolutions, not contained, to my knowledge, in any book of authorized tactics, and of little practical utility. They are performed entirely by certain signs, made with the sword, by the commanding officer, no "word of command" being used, and possess no other merit than that of commending themselves, perhaps, to the eye, as matters of show. In the Companies in which these evolutions were performed, I observed that the Sergeants used the sword and not the musket, and the old system of posting Company Officers was continued, both when in line and when in column.

Yet there are very many well drilled *Companies* in the service. Why, then, are there so few good *Regiments*? Because, while there are many well qualified and zealous Company Officers, there are few well qualified Field and Staff Officers. This reason is manifest. And another is, that Company Officers meet their Companies much more frequently, (particularly in the cities and large towns,) than the Colonels meet their Regiments. And when the Regiments do meet, a far greater portion of the day is spent in parade and ceremony, than is devoted to drill. This is specially the case when the various Regiments of a Brigade are all assembled, on the same parade ground. On such days, the

Colonels have very little opportunity of drilling their men. From causes like these, I am satisfied that it is altogether better for the troops to be assembled by Regiments than by Brigades. The larger the number, the greater is the delay, and the less the opportunity afforded for instruction.

By an arrangement of this kind, now occasionally adopted in some, though not in all, of the Brigades, the responsibility of the condition of any Regiment would rest upon the proper person, and his fitness or unfitness to command, be manifest to the reviewing and inspecting officer.

In fact, it would be manifest to the Commanding Officer himself, and he would be convinced, (if he were ignorant of his duties,) by the awkwardness of his position, of the necessity of studying or of resigning,—“Commanding Officers of Regiments,” say the Army Regulations, “are responsible for the instruction and discipline of their Regiments.” They are equally responsible for the comfort and welfare of all composing it, while on duty, and for the maintenance of unanimity and good understanding amongst the officers. The most perfect civility, and the most courteous and conciliatory manners are compatible with the strictest command, and that officer will be most sure of the esteem and respect of his subordinates, who shall best show that he has the requisite knowledge, combined with firmness and decision and courteousness, and is, therefore, capable of commanding.

If, as is the case, and as has already been said, there are many well drilled single companies in the various Regiments, it would not surely occupy very much time, for an able and accomplished Field Officer, to bring his Regiment, as a whole, into as good condition as are the single Companies which compose it. Now this is not the case, and the days of muster are rather days of show than days of work. There is another circumstance also, bearing unfavorably upon this condition of things. With the officers of many Companies, there is not an accurate acquaintance with Battalion movements. They confine themselves to company exercises, not practising those of the Battalion. It is to be hoped, and it certainly ought to be expected, that, as the State has now furnished the troops with a most ex-

cellent system of Tactics, (I refer to Major Cooper's work,) the faults above spoken of will rapidly disappear, and that officers of all grades will make it a point of unavoidable duty, speedily to prepare themselves for the exigencies of stations which they have the privilege and honor to occupy.

For any troops to act effectively together, there *must* be—it cannot be avoided—there must be unity; unity of system, unity of discipline. Of this, our service is very deficient; yet it need not, and ought not to be so. By the Militia law of the United States, of May 8th, 1792, it is made the “duty of the Brigade Inspectors to attend the Regimental and Battalion meetings of the Militia composing their several Brigades, during the time of their being under arms; to inspect their arms, ammunition and accoutrements; *superintend their exercise and manœuvres, and introduce the system of military discipline* (before described,) throughout the brigade, agreeably to law, and such orders as they shall, from time to time, receive from the Commander in Chief of the State.” It is his bounden duty to see that the practice in the field corresponds to the system prescribed. Now there are, as is well known, manifest obstacles to the successful carrying out of this enactment. This officer's duties occupy a great portion of his time on the field during the very brief part of the day that the troops are together. In our own State, I know of no instance in which the duties thus prescribed, were ever attempted. In addition to this, it is frequently the case, that this member of the Brigade Staff is selected, at once, from civil life, having had none of that preparatory personal training which would qualify him to act as an instructor, or to oversee and direct the instruction of others. I know of no better mode to remedy the evil, than the appointment of an Inspector General, whose duty it should be, to be present at all the Reviews in the State, (which should be so arranged in point of time that he could do so,) and personally to oversee the manœuvres performed, as well as to take active part in them, wherever he found it necessary.

Another suggestion which may, with some advantage, be offered, is that the officers, commissioned and non-commissioned, and any of the privates that may desire it, of the various Reg-

iments and Battalions in the different Brigades, should, prior to the Annual Reviews, spend one or two days for the purpose of field instruction. On all such occasions, the Inspector General should be present to aid and direct.

A very useful and simple mode to assist Company officers, or any others, in acquiring a knowledge of Battalion drill, is given in the system of "Infantry Tactics prescribed for the British Army." As the work is not easily procured, and as the information may prove of use, I insert it here. (*"Field Exercise of the British Army,"* p. 193.) "It has frequently occurred that young officers and non-commissioned officers have, from the want of men, or from the severity of garrison duty, been deprived of opportunities of acquiring a thorough knowledge of their Battalion drill. To obviate this, and to provide for the due instruction of the young officer and non-commissioned officer, in all cases, and under all circumstances, the following system of 'Skeleton or Rope Drill,' is introduced, by means of which, they may, without harassing the soldier, be made practically versant in the command of a company, while the Sergeant may acquire that promptitude and accuracy in giving points and taking up covering, without which no Regiment can move correctly. Commanding officers are, therefore, strictly enjoined to follow the practice herein prescribed, from which the very best effects will be found to result. A Battalion of eight divisions (companies) may be formed by sixteen, thirty-two, or sixty-four men. With sixteen men, there can only be division ropes, and with thirty-two, sub-division ropes, but with sixty-four men, there can be section ropes with which every movement may be practised. The ropes may be made to represent any number of files, the space for each (namely, twenty-one inches,) being marked by a small piece of red cloth, and to the end of each rope a small piece of wood must be attached, so that the men may hold it; and care must be taken that they are always kept to their full extent. By means of these ropes, a Battalion may practise the whole of the movements of a Brigade."

On occasions, also, of company parade, the Captain may give instruction to his company in Battalion movements, by considering the corps as a Battalion of four companies, each



section being a company, each Lieutenant a Captain, and himself the Colonel instructing. A difficulty here is the want of an additional subaltern. Our law authorizes to each company a Captain and *three* Lieutenants. But since, in isolated companies, the Captain acts as instructor, he is to be considered in the light of an officer absent, and must be replaced by the first Lieutenant, as commander of the first section, whose place must be taken by the second, as commander of the third, and his by the third, as commander of the second section. The fourth section or company, (as the sections in the Battalion drill must be accounted companies,) is left destitute of a commander—and, consequently, in many of our companies, a brevet officer has been created, to supply this very deficiency. It would be an improvement in our organization, to add another officer to each company.

I close these remarks upon the condition of our various Regiments, and upon the necessity of study and of effort incumbent upon every officer in the service, with some few additional and judicious observations extracted from the "*Book of Tactics of the British Army.*" See pp. 64, 65, 66.

"Every company of a Battalion must be frequently exercised by its own officers, and every movement and formation be practised that is necessary to qualify it for the operations of the Battalion.

"The company must be frequently exercised on rough and broken, as well as on smooth and level ground, and as often with the rear rank in front as otherwise.

"Officers must be habituated to give their words of command with energy and precision, and no officer can be considered capable of instructing until he shall have a perfect knowledge of all the detail of drill required from a soldier, nor be permitted to take command of a company in the Battalion, until he is master of all these points.

"An officer ought to know the post he is to occupy in all changes of situation,—the commands he should give,—and the general intention of a required movement. He should be master of the principles on which each formation is founded and aware of the faults that may be committed, in order to avoid

them himself, and to instruct others. These principles are in themselves so simple, that moderate reflection, habit and attention will soon show them to the eye and fix them in the mind.

"The complete instruction of an officer enlarges with his situation,—and his exertion must be unremitting, to qualify himself for the progressive situations at which he may arrive."

A militia system will always find opponents of various classes. Some put themselves in attitude against it, and against all other armament, because they are ardent and sincere lovers of peace, and desire that all means of offence and of defence should be out of existence. In this class may be found many true philanthropists, whose best wishes and most zealous efforts are always directed towards the improvement of the human race. One cannot but admire the high and healthy moral tone, which lives in the hearts and moves in the lives of such men. They who shall tenant the world, when the men of the world shall all possess this desired, just and close adaptation of the principles and practice of the Prince of Peace—will be dwellers in a heaven upon earth, where "there shall be none to molest or make afraid." Such will, at a coming day, be the condition of our world, "for it hath been spoken."

But the world must be taken as it may be found to be, by those, who, at any given time, live within it,—and just now, it is almost any thing but a world of peace and of right dealing. As I have said on another occasion, "I cannot think it safe to put aside all means of protection, and to hope for safety by being defenceless against harm. The whole wide world is yet all too unchristian to be trusted, and too selfish to be tempted by the confidence of an unarmed people. Love, all powerful, all beautiful, as it is, has not yet attained her just foothold within the great heart of mankind. Violence still stalks abroad, unblushing, in open day, and there are violent men and violent nations, over whose bosoms the principles of the Man of Nazareth hold no controlling sway."\* What shall we do, in such a position? If appeals to the reason, and to the better principles of human nature avail nothing, shall we submit to all in-

\* "Remarks on Military Academy at West Point."—*Essex Register and Boston Atlas*, Sept. 25, 1845.

jury, and so provoke the infliction of still greater injustice? This would neither be just nor reasonable, for individuals nor for nations. The most ultra non-resistant opposes, at last, by resorting to the resistance afforded by the attraction of gravity, against those who would compel him to go with them. We must be provided with the means of protection, never, I trust, to be used, but *for* protection. And in so providing ourselves, we must choose between a constant and a temporary armament—between the employment of a professional and a non-professional class of defenders. That is, we must take either a standing army within the State, or a body of citizen-soldiers, armed as occasion requires. The choice is readily made, and the long-continued usage of such a force in the several States of the Union, is one among many arguments in its favor. It is sufficient for the purposes intended, and, in some form or another, we must have it.

I close these remarks with some quotations from the addresses and messages of those great men, who have occupied the highest position in the gift of the people of the United States:—

“The devising and establishing of a well regulated militia,” says the Father of his country, “would be a genuine source of legislative honor, and a perfect title to public gratitude. And I therefore entertain a hope, that the present session will not pass without carrying to its full energy the power of organizing, arming and disciplining the militia; and thus providing, in the language of the Constitution, for calling them forth to execute the laws of the Union, suppress insurrection, and repel invasions.\*

“With the review of our army establishment, is necessarily connected that of the militia. It will merit inquiry, what imperfections in the existing plan, further experience may have unfolded. The subject is of so much moment, in my estimation, as to excite a constant solicitude that the consideration of it may be renewed, until the greatest attainable perfection shall be accomplished. Time is wearing away some of the advantages for forwarding the object, which now better deserves the persevering attention of the public councils.”†

\* Message to Congress, 1794.

† Message to Congress, 1795.

"Uncertain as we must ever be," says John Adams, "of the particular point in our circumference where an enemy may choose to invade us, the only force which can be ready at every point, and competent to oppose them, is the body of neighboring citizens as formed into a militia.

"These considerations render it important that we should, at every session, continue to amend the defects which, from time to time, show themselves in the laws for regulating the militia, until they are sufficiently perfect; nor should we now, or at any time, separate, until we can say we have done every thing for the militia which we could do, were an enemy at our door."\*

"For a people who are free, and who mean to remain so, a well organized and armed militia is their best security."†

"Whatever may be the course of your deliberations on the subject of our military establishments," writes Madison, "I should fail in my duty in not recommending to your serious attention, the importance of giving to our militia, (the great breastwork of our security and resource of our power,) an organization the best adapted to eventual situations, for which the United States ought to be prepared."‡

Monroe writes:—"But it ought always to be held prominently in view, that the safety of these States, and of every thing dear to a free people, must depend, in an eminent degree, on the militia. Invasion may be made too formidable to be resisted by any land or naval force, which it would comport, either with the principles of our government or the circumstance of the United States, to maintain. In such cases, recourse must be had to the great body of the people, and in a manner to produce the best effect. It is of the highest importance, they be so organized and trained as to be prepared for any emergency."§

"The organization of the militia," says John Quincy Adams, "is yet more indispensable to the liberties of the country. It is only by an effective militia, that we can at once enjoy the repose of peace, and bid defiance to foreign aggression; it is

\* Jefferson's First Message, 1801.

† Eighth Message, 1808.

‡ Madison's First Message, 1809.

§ Monroe's Inaugural Address, 1817.

by the militia that we are constituted an armed nation, standing in a perpetual panoply of defence, in the presence of all the other nations of the earth."\*

"But the bulwark of our defence," says Andrew Jackson, "is the national militia, which, in the present state of our intelligence and population, must render us invincible. As long as our government is administered for the good of the people, and is regulated by their will; as long as it secures to us the rights of person and property, liberty of conscience, and of the press, it will be worth defending; and so long as it is worth defending, a patriotic militia will cover it with an impenetrable ægis. Partial injuries and occasional mortifications may be subjected to; but a million of armed freemen, possessed of the means of war, can never be conquered by a foreign foe. To any just system, therefore, calculated to strengthen this natural safeguard of the country, I shall cheerfully lend all the aid in my power."†

It is a very easy matter to ridicule any system whatever, but ridicule is no test of truth. The Copernican system of astronomy, when first announced, received its full share, but it has outlived all ridicule. In the person of its great defender, Galileo, it received still more stubborn blows and harder pounding than that of mere ridicule, and although, under the physical application of the forceful arguments of those ignorant of the truth, he recanted, and owned that it was the earth, and not the sun, that stood still, his better judgment, uninfluenced by fear of present torture, prompted the exclamation to a friend's private ear, "it moves, for all that." So is it still true, notwithstanding all that has yet been uttered, either in ridicule or in argument, that we must "see that the republic receives no detriment," and I know of but one means of so providing, so far as its defence is concerned.

Whether the present system of Massachusetts be the best that can be devised, is another question. That it is a good one, in many respects, is undoubtedly true, and that it is not faultless, is as true. It is a fault, and not an unimportant fault, that it entirely lacks every element of compulsion; that

\* Adam's First Message, 1825.

† Jackson's Inaugural Address, 1829.

is, that the assumption of active service as a militia man, is perfectly voluntary, and that a full release from all duty, without any corresponding acknowledgment or service to the State for such release, is freely granted to all who prefer enrolment to active service. It is true, indeed, that the volunteers are paid; but does any one imagine that the State bounty of six dollars to each man, will suffice for *all* the expenses to which officers and men are subjected? In some instances, in the interior of the State, this sum may be equal to the annual assessment upon the privates, yet in that case his time is reckoned at nothing. The cost of his uniform is the first outlay of the volunteer; and in all cases of a petition to raise a company, the law insists upon the condition, that "at least forty-eight men shall be enlisted *and uniformed*" before a choice of officers and a consequent organization can be authorized in "General Orders." I have procured from different companies, in various parts of the State, information respecting the cost of uniform, without equipments, which I append in the table below :—

COMPANIES.	Towns where situated.	Cost of uniform.
Company C, 2d Artillery, . .	Lynn, . . .	\$22 00
" C, 3d " . .	Northampton, . .	21 00
" G, 1st Light Infantry, . .	Boston, . . .	31 00
" B, 3d " " . .	Plymouth, . . .	32 00
" K, 4th " " . .	Framingham, . .	27 00
" H, 9th " " . .	Gardner, . . .	24 00
" G, 9th " " . .	Templeton, . .	21 50
Average cost, say . .		\$25 50

Until the present year, the cost of equipments was an additional expense to the private, the law not authorizing those in Arsenal to be distributed. And even had they been issued, those which were on hand, when I came into office, were not of a quality to render them very desirable. A very excellent article being now supplied by authority of the last Legislature, this item of expense need not be computed. We have, then, the cost of his uniform, and the giving of all his time, that of

his drill in armory, and his four days' service in the field, on the part of every volunteer in the State. *He* is first (Sec. 10, Digest of Militia Law,) to "be ordered into service, in case of war, or invasion, or to prevent invasion,—to suppress riots, or to aid civil officers in the execution of the laws of the Commonwealth." These are the burdens which the patriotism of the volunteer induces him to assume. What equivalent burden, or what burden at all, does the enrolled class sustain? None whatever is exacted, nor is any additional taxation or assessment imposed, as a condition of release from duty. They who compose it, are not even required to report themselves to any man or body of men, as being liable to the operation of enrolment. It is the duty of the Assessors, in the several cities and towns, to look them up, and to arrange them into a catalogue, which is transmitted to the city and town clerks, and by them forwarded to this department. They do, indeed, contribute towards the pay of the Active Militia, but only through the medium of their ordinary taxes, which are not increased for this special purpose. All other tax-paying citizens do the same, and in this class are to be comprised the members of the Active Militia themselves, who are liable to taxation, and who, by this operation, are, of course, in their proper proportion, found to be contributing towards paying themselves for a voluntarily assumed duty. Under the old militia laws, when military duty, or a fine for its omission was required, the sums so assessed have been from eleven to fifteen dollars per man, annually, and the payment of a part of these fines into the treasuries of the uniformed companies, was an efficient means of their support and continuance. Under the present law, many of the older companies are languishing and decaying. When the law was passed, this whole burden of fine for non-performance of duty, was entirely lifted off, whether wisely or not, those intimate with the subject can judge. If the enrolled men had been assessed but two dollars, or even but a single dollar, instead of the above-named fines, as an equivalent for duty, they would unquestionably have been great gainers, and have been well satisfied, and the payment of the sum so raised, into the Treasury of the State, would have been more than

sufficient for all its military expenses, even had the present bounty been increased. Such a measure, also, would obviously have rendered a State Tax wholly unnecessary.

It is upon this point that the volunteer complains, and asks for an equalizing of the burden. Some may question the propriety of his complaining of a state of things, with which he was perfectly familiar, when he enlisted. He was, indeed, not *compelled* to enlist. Had he chosen, he might have remained an unburdened, enrolled man, and have done no work while others toiled. The law might say to him, "friend, I do thee no wrong; didst thou not *agree* for a penny?" Why, then, should he complain? He complains,—not that he has a burden which he finds hard to bear, for he assumed it knowingly,—but that any law should exist, so partial in its operation, as to invite certain citizens to perform an important and necessary function for the State, for a trifling consideration, and after they have so agreed to do, to direct upon them only, its compulsive provisions, while it releases wholly and without equivalent, all who from choice, shun the duty. It may, I know, be said, that it is a matter of bargain for a price; but should an enlightened State propose precisely such a bargain?

There are, indeed, very many who accede to the terms, and so would there be, were the terms still less, and were they even nothing. While there is danger, the State will never be destitute of those who possess something of the spirit of their fathers; whose ears still hear their warning voice, and whose eyes have not yet lost sight of their retiring forms. I confess, that I doubt if the present system possess all the healthful elements of endurance. And this doubt arose during the past year, with much force, as company after company was necessarily disbanded.\* It arises, with increased force, when I consider, that of the present number of 106 companies, nearly one-seventh are sustained only by the most earnest effort. If it fail, it will be because it is wholly voluntary,—and because it releases the great bulk of able-bodied citizens without any equivalent rendered. Various modifications have been sug-

\* See pp. 11, 12.



gested by way of amendment. It has been proposed to release the volunteers from jury duty, as an additional incentive to enlistment. It has been proposed to assess the enrolled militia at the rate of one dollar per man, to be paid in his tax bill, and to be turned, by the treasurers of cities and towns, into the State Treasury. The sum thus raised would, for the past year, have amounted to \$84,470, a sufficient sum to defray all the expenses of the Adjutant and Quarter Master General's department, salaries included, the pay of Division and Brigade Inspectors, and of Adjutants of Regiments and Battalions, the cost of hauling Artillery, the bounty of the volunteers, and leave upwards of \$40,000 in the State Treasury.

Another proposition is, to make all able-bodied citizens between the ages of 21 and 31, serve either as soldiers or as firemen,—while those between 18 and 21, and between 31 and 45, should be enrolled merely, and subjected to a small fine.

This exemption would amount to a release of not far from two thirds of the whole number capable of bearing arms,—amounting, taking the past year as an example, to say, 56,000 men, upon whom a fine of one or two dollars might be imposed, to defray the expenses of the military establishment.

A writer in the Salem Gazette of October 30th, 1845, who seems to have given some attention to the subject of the militia, advocates this method. He says, "In order to preserve an efficient military organization, we believe it will be necessary to introduce the principle of compulsion. A very slight degree will suffice. The alternative of fire or military service, would at once have the effect of increasing the efficiency and removing all the evils of the fire department, and of completely reviving the military organization. It could not fail to drive a great many into the ranks, who would otherwise content themselves with discouraging their friends from the service. A law subjecting to firemen's duty every individual between the ages of 21 and 35 years, excepting the active members of volunteer militia companies, would revive the militia, and relieve every large town in the State from the liability of being subjected to the dictation of a volunteer fire department."

A not uncommon feeling among the volunteers, is that of a willingness to relinquish the present bounty, provided the performance of military duty were more generally obligatory.

From recent indications, however, it is not improbable that the whole subject of the Militia will be taken up by Congress, and if so, it may be advisable for Massachusetts to await the result. It was in consequence of an expectation to this effect, formed during the past summer, that I postponed the preparation of a new Digest of the Militia Law, directed to be made by a resolve of the last Legislature.

In the practical operation of our present system, there are some faults which might easily be remedied. In the matter of the transmission of documents, there is sometimes extraordinary delay. Commissions, sent from this department, have sometimes been *five months* in reaching their destination in the county of Plymouth,—and applications for discharge are found, on reaching Head Quarters, to have occupied two and three months on the passage. It is a common occurrence for application to be made at this office, (by the persons interested,) for commissions or discharges, as the case may be, which had been sent weeks before. No Election Return nor Resignation, is allowed, excepting for special reasons, to remain unanswered a single day, as the office books will conclusively show. The delay is in the transmission, and, at this moment of writing, I know of documents which ought to have been here long since, but which are yet on their passage.

Nothing, also, is of more frequent occurrence, or a more fertile and just cause of complaint, than slowness and delay at the *Fall Reviews*. The company officers and privates are the greatest sufferers on these accounts. The soldier stands in the ranks, under the weight of his arms and equipments, wondering and uneasy at a delay, for which he can discover no satisfactory solution. He forgets that certain ceremonials and forms are deemed, by some commanding officers, to be of the very highest importance, and that these matters are rated most highly by those officers, who are the least qualified for the offices which they hold. The time of the parade must be employed in some way. Steady and useful drill might advantageously

accomplish the purpose, but if an officer cannot drill, he must use some other means of killing time, and he resorts to ceremony. Thus I have known an hour spent in the escorting and reception of the Regimental Standards,—and another in the marching of the Regiment to its parade ground,—nearly two more in the formation of a Brigade Line, the most important business of inspection being disposed of, for an alleged want of time, by the hurried examination of fewer than ten men in each company. Another hour is spent, because the commanding officer of the troops in the field, requires to be escorted to the ground, before he assumes command, and thus the only day of the gathering of the troops in any considerable numbers, is entirely wasted in useless parade, and nothing valuable is gained. Escorts of honor, like the last-named, of escorting the commanding officer of the field, are never made use of in the army. Nor is it usual to escort even the reviewing officer. It is customary to send a staff officer, or officers, to notify him that the troops are ready to receive him, and these officers conduct him to the field. Could many of our ceremonious usages be exchanged for a more business-like mode of conducting matters, on occasions of review, the troops and the service would be great gainers.

Among other objections to the existence of a Militia System, and to our days of military parade, it may be well, perhaps, to notice the very common one, that they are necessarily days of confusion and riot, and that they draw together an assemblage of people, always noisy and disposed to create disorder. Of the very scanty number of holidays, which the spirit of New England industry and thrift is disposed to tolerate, the "muster day" seems to have been specially selected as the scapegoat, upon whose devoted head should be heaped every sin, which, it may be shown, with equal and even greater propriety and truth, is part and parcel of all days of a general gathering of our people. At times of our mass political or other meetings, on occasions of the holding of courts in some of the interior shire towns, at our agricultural fairs and cattle-shows, and even at the gathering of large concourses of people for religious instruction, as at camp meetings, there is always

a degree of noise and confusion which might be considered, by a casual observer, as a necessary concomitant of the particular occasion on which it took place. Yet the truth is, that where a small crowd is, a larger one easily gathers; and in all crowds, large or small, will be found "pestilent fellows," by whom all opportunities are eagerly seized, in which they may indulge in such matters as are congenial to their peculiar tastes. The good and the bad, "the tares and the wheat," are mingled together in our world, as it seemed best to Him who formed it. The bad must be restrained, and the good must never cease, by word and deed, in season and out of season, to endeavor to counteract every evil impulse and influence. Now I have attentively watched the movements, both of the people and of the soldiery, on all occasions of parade which I have attended the past two years. Out of twelve well remembered instances, there were but two, when any thing worthy the name of uproar took place; in one instance, on the evening previous to the muster, and in the other, on the day of muster. In the former, not a dozen soldiers participated, and they retired at my suggestion; and in the latter the citizens were the sole actors. In no instance, have I known any confusion or disorder to have been caused by the soldiery on muster day. They were properly attentive to their own duties, and even, in one instance, had to be called upon to drive from the ground the keepers of certain gambling tables, together with the mob that was crowding about them. I may quote the perfection of order in which the late musters at Boston, Salem, Worcester, Greenfield and Fitchburg were conducted, as irrefragable proofs of the assertion, that a military muster is not necessarily, and because of its nature, a day of confusion and noise and riot. No better citizens, and no more ardent lovers of peace and quiet, are to be found, than are those who have pledged themselves to defend the laws, and therefore to secure the quiet of the Commonwealth.

A fertile source of injury to many single companies, and to the whole service, is the prevailing fashion of "campaigns," so called. They lead to great expense of time and money, and the general fact, that those companies which engage in them

are, for two or three subsequent years, in a state of great depression, shows conclusively that their influence is injurious. The term "military visits" would be much more appropriate than that of "campaigns." From the latter, properly and strictly conducted, permanent good might be secured. The former, though they may be favorable to the preservation of good fellowship, are productive of no other lasting benefit. The great efforts made to get them up and to sustain them, are invariably followed by a condition of unwonted dejection, from which yet greater efforts are needed to raise the corps. Many of our oldest and best companies have, in my judgment, been injured by their influence, and I cannot, therefore, speak of them otherwise than disapprovingly. Nor can I speak in approval of a mode of conducting company trainings which is too prevalent. It does not sufficiently partake of instruction, nay, in many instances, it does not pretend to impart any. I recollect, at this moment, a late newspaper announcement of a parade of one of our corps, in which it was set forth that the members would breakfast at one public house, dine at another, and sup at a third, and that the day would be spent in cheerful feasting on fat things. All this may be very well in its place, but it would not tend to increase the soldier's skill, nor improve him in his art. Our company officers must more sedulously devote themselves to the acquisition of a competent knowledge of tactics, and our companies more seriously apply themselves to their appropriate business, and then our days of military musters will exhibit some other features, than those of mere parade and useless ceremonial observances. A fine band, a showy uniform, a full company and an agreeable entertainment, ought never to be allowed to usurp the place of thorough practical drill, and of the right devotion to the right object of a military association. Expensive dress, expensive parades, costly festivities and neglect of drill, are ruinous to a soldiery, and have proved a profuse source of mischief to many of our best corps. Our young men ought not, and most of them cannot afford to indulge in them; and the fact of their being allowed to crowd out the proper business of training, has prevented the growth of many of our companies.

There is another practice of doubtful expediency, to which I would refer. It is the employment of so many men as company musicians. By the act of Congress, passed May 8th, 1792, for establishing a uniform system of militia throughout the United States, it is provided that, "to each company there shall be one drummer, and one fifer or bugler." By section 22d, of the Digest of 1840, it is provided, that "to each company of Artillery there shall be" "one or more drummers and one or more fifers." The musicians named are distinctly "drummers and fifers," or buglers, if the bugle be used; though, by the way, our law does not use the word "buglers." Still, as bugles are issued under the law, the bugler may be constructively returned. By a strict construction of the United States law, but two musicians can be returned. By the construction of our law, more than two may be enlisted. It is here apparent that, while the number is unlimited, none but "drummers, fifers and buglers," are contemplated, yet, in very many companies, are to be found players upon other instruments, and enough to make a sufficient Regimental Band. In one instance, which occurs to me, there were *thirteen musicians to fourteen privates*. I found, on investigation, that these musicians are regularly enlisted, uniformed and equipped, as company privates, and that they are specially detailed for the parade day, to act as musicians, the commanding officer claiming the right so to employ them. The whole matter is a "*casus omissus*"—a condition not contemplated, nor provided for, in the law. And yet there cannot be a doubt, that the true intent of the law was to confine the company music to the drum, fife and bugle. This excess of musicians becomes exceedingly inconvenient, and of very questionable propriety, when it shows itself in every company on muster day. I have seen each company in a Regiment, with its own music on its own right, thus weakening the regimental line, and affording to an adroit enemy most desirable points of attack. However pleasant and useful to the parade of a single company in our country towns, the presence and performance of a small band may prove, there cannot be a doubt that, on the day of Regi-

mental muster, the men composing it should all be turned into the ranks, and be inspected, reviewed and drilled as privates.

While speaking on the subject of Musicians, it may not be out of place to speak of our Brigade Bands. When the law was passed, which authorized the formation of such Bands, there were comparatively few persons possessing the talent and skill requisite for the various instruments in a full Band. The case is now widely different, and I think I may safely say, that nearly forty Bands may be found in the State, very many of them well organized and fully capable of discharging their appropriate duties. I recommend, therefore, that the present law respecting the creation of Brigade Bands, be repealed, and that the Colonel of each Regiment be authorized to raise, by voluntary enlistment, a Band for his own Regiment, not exceeding eighteen in number, including one Master and one Deputy Master. The members of such Band should be warranted by the Colonel, and be under his direction and command. He should be authorized to order them out, at any Battalion drill, as well as at the Annual Review, the pay of the members of the Band being the same per diem allowance that is now granted to members of Brigade Bands. I never could see the propriety of a Band for a "Brigade." If we have Bands for our Brigades, why should we not have "Division Bands," and even "Corps d'armée" Bands? Such an arrangement as ours is peculiar to our own State service. It has no parallel in any regular service within my knowledge. A Band for each Regiment is the only proper arrangement, and I can, at this moment of writing, call to mind Bands, in different parts of the State, conveniently situated for the purpose of each Regiment in the service. If it should be thought proper to authorize "Battalion Bands," the musicians of such bands should not exceed eight in number. The great convenience, advantage and propriety of such an arrangement will be obvious to every one familiar with the practical operation of the present mode, in which it would not be difficult to adduce instances of manifest abuse. This arrangement being made, the law should then state definitely how many, and what kind of musicians shall be allowed to each single company.

The mode in which the troops are now paid, is another fertile source of inconvenience, both to the cities and towns and to this department. As at present conducted, the commanding officer of each Company makes to the Adjutant General, after each parade, a return of the number of men who appeared armed, uniformed and equipped, and performed duty, and of the number that were absent, at any such parade. At the end of the season, he makes a return to the mayor and aldermen of the city, or to the selectmen of the town, as the case may require, of the names of the men who appeared as above, and of those who were absent. The Adjutant General then makes a return to the mayor and aldermen of the city, or to the town, as the case may be, of the number of men declared on returns made to him as above, to have been present, and to have performed duty, and of the amount of money due to the Company concerned. The mayor and aldermen, and the selectmen, then send to the Adjutant General a pay roll containing the names of the men and the amount paid to each, with the aggregate of payment. Now it not unfrequently happens that the returns made to the city and town officers, and those made to this department, do not agree, and much correspondence and explanation are necessary before every thing can be perfectly reconciled. If payment be made through the agency of the cities and towns, the present system of returns, though not without unavoidable inconvenience, is as good as can be arranged. But a preferable mode would be, to make the bounty payable to an authorized agent of each Company, at the counter of the State Treasury in Boston, and, in that case, but one set of returns would be required, that, namely, to the Adjutant General.

There ought, also, to be annexed to the present law which provides for the payment of the officers and soldiers, a penalty, to be inflicted in cases of false returns, where Field and Staff Officers are declared to have been present at any parade, "armed, uniformed and equipped, and to have performed duty," when they were either not present, or, if present, were not "armed, uniformed or equipped," and did *not* "perform duty." Such cases have occurred. Another penalty is also



required to be inflicted where an attempt is made to obtain double and treble pay, by performing duty in different towns, and in different Companies, or, as a Field or Staff Officer on the day of general muster, and as a private in a Company on other days. Such instances are known. In all cases in which I have been able to discover them, I have applied the proper remedy of refusing to pass the accounts. But there may yet be instances which have escaped my observation.

The non-commissioned Regimental and Battalion Staff Officers ought not, I think, to receive the same pay that is allowed to Field Officers. The duty of the former is not greater, in fact, it is hardly so great, as that of the privates, nor are they subjected to the severe expenses of the Field Officers. In many instances, they do no duty at all, and yet are returned.

In my Report for 1844, (pp. 24, 25,) I referred to the condition of the road leading from Main street in Cambridgeport, to the Magazine at "Captain's Island." It will be recollected that, by the terms of the deed by which this road was granted to the State, the Commonwealth bound itself to keep the road in "good condition and repair, at all times, so long as the same shall be used as a way or road to said Magazine." Very inconsiderable, if any, repairs have ever been made upon the road, and it is now in a very bad condition, and must receive attention. During the past season, I conferred with the selectmen of Cambridge upon the subject, and our intercourse resulted in a proposition on their part, in behalf of the town, to assume "that part of Magazine street, between Main street and the Hill, a short distance above the Tufts' estate, and to maintain the same, on condition that the Commonwealth will pay over to the town the sum of three hundred dollars." This sum (\$300) at least, will be all needed for immediate repairs in the spring, and the State is bound in good faith to perform its obligation, and after it shall have expended that amount, or more, it is still held for any needed repairs for the future. This road, once leading through open pastures, is now built upon, and nearly one half its length is occupied by handsome dwelling-houses. It will be one of the most attractive streets in the village, and the selectmen have expressed the willing-

ness of the town to take the charge of it. The State will of course have a right of way, and I recommend, therefore, as a decidedly advantageous measure, that the proposition should be accepted and authority conferred upon some one to make the conveyance.

The 79th Section of the "Digest of the Militia Law" (Sec. 79, ch. 12, Rev. Statutes) establishes a principle not recognized by the usages of the army, nor, I believe, referred to in the U. S. Militia Law of 1792. It is this,—that the companies in each Regiment or Battalion shall form according to the rank of the officers *present* commanding them." But in the army, the several companies of a Regiment are drawn up according to the rank of their captains, whether the captains be present or not, for the obvious reason, that any other arrangement would occasion too much shifting. Should a company be without any captain belonging to it, it necessarily becomes a junior company, and is posted accordingly. The same rule holds with the platoons of several companies, when they are detached from their own companies and are united, (as is now required in our Artillery Regiments,) as a Battalion on the left of the Battery. They are to be posted according to the rank of the captains of the companies from which they were respectively detached, and not according to the rank of the lieutenants commanding the platoons. I refer to the subject, because the 79th Sec. above referred to, seems, also, to conflict with the principles laid down in our established system of Tactics, (at p. 59, Part 1st, 2d paragraph,) where it is declared, that "the Battalion companies are drawn up, according to the rank of the captains." I think it would be well to settle the rule, so as to put the matter beyond any question. Nor can I see the propriety of retaining on the Statute book both of Sections 31 and 35, of the Digest. They are, under our present system, mere repetitions of each other, although the 35th was entirely proper under the old organization. Under our present system, the "commanding officer of the Regiment" of Sec. 31, is identical with the "commanding officer of the Regiment" of Sec. 35, though it was not so formerly.

I have steadily persevered, during the past year, in attempt-

ing to improve the blank forms used in this office, and have completed the method of keeping accounts with the various Regiments, Battalions and separate companies, referred to in my last report. Every corps has now its appropriate account opened, and in any case of disbandment, an immediate return of all military property loaned by the State, is required by a "special order." I have, during the past year, recovered four Regimental Standards of disbanded Regiments, which had not been returned at the proper time, and have learned the whereabouts of two others. It is not improbable, that there may yet be others in some parts of the State. These articles, with their necessary appendages, are very costly, and always receive the highest consideration and honors in all regular services. There is no reason why they should be less esteemed by the Militia.

I trust no apology need be given for the practical details which characterize this report. They seemed to be needed, and are given with the sincere desire that practical good may come from them.

With the earnest hope that the discharge of my official duties may have merited your approbation,

I have the honor to remain,

Your Excellency's very obedient servant,

HENRY KEMBLE OLIVER,

*Adjutant General.*





*The Quota of Supplies from the United States, under the law of 1808, was received in Artillery Equipage, and consisted of a complete outfit for six Companies, and in Equipments for Infantry as is exhibited in*

TABLE A.

*Artillery Equipage.*

6 Pounder Field Carriages, Stock Trail Pattern, -	12	Vent Covers and Straps, -	12
Caissons, - - -	6	Gunners' Gimlets, -	12
Sets of Artillery Harness, for 2 Wheel Horses, New Pattern, - - -	18	Do. Vent Punchers, -	12
Spare Poles, - - -	6	Tangent Scales, - -	12
Spare Wheels, - - -	6	6 P'r Rammers & Sponges,	24
Gunners' Haversacks, -	24	Do. Worms and Staves, -	12
Tube Pouches, - - -	12	Do. Sponge Covers, -	24
Linstocks, - - -	12	Trail Handspikes, - -	24
Portfire Stocks, - - -	12	Tar Buckets, - - -	18
Do. Cases, - - -	12	Sponge do. - - -	12
Do. Cutters, - - -	12	Tow Hooks, - - -	30
Thumbstalls, - - -	24	Felling Axes, - - -	6
Priming Horns, - - -	12	Pick do. - - -	6
Do. Wires, - - -	12	Caisson Shovels, - -	6
Prolonges, - - -	12	Artillery Sword Belts, with Bayonet Scabbards and Frogs, - - -	220

*Infantry Equipments.*

Cartridge Boxes and Plates,	660	Waist Belts and Plates, -	440
Do. Box Belts and do.,	660	Gun Slings, - - -	660
Bayonet Scab. with Frogs,	440	Brushes and Picks, -	660

*Since the 1st of January last, have been issued, besides the customary small stores for Artillery, the supplies exhibited in*

TABLE B.

			Company Letter.	Bronze 6 Pounders.	Field Carriages.	Caissons.	Tumbrils.	Artillery Harnesses.	Do. Swords and Belts.	Muskets.	Rifles.	Sabres.	Pistols.	Tents.
1st Reg. of Artillery,	-	-	A	-	-	-	-	-	20	40	-	-	-	10
“ “ “ “	-	-	B	-	-	-	-	-	-	-	-	-	-	10
2d “ “ “	-	-	A	-	-	-	-	-	-	-	-	-	-	9
“ “ “ “	-	-	C	-	-	-	-	-	-	-	-	-	-	10
“ “ “ “ in exchange,			D	2	2	1	-	6	-	-	-	-	-	-
3d “ “ “	-	-	A	-	-	-	-	-	-	50	-	-	-	9
“ “ “ “	-	-	B	-	-	-	-	-	-	-	-	-	-	9
“ “ “ “	-	-	C	-	-	-	-	-	-	-	-	-	-	11
“ “ “ “	-	-	D	-	-	-	-	-	-	60	-	-	-	10
“ “ “ “	-	-	E	-	-	-	-	-	-	40	-	-	-	10
4th “ “ “	-	-	A	-	-	-	-	-	-	50	-	-	-	9
“ “ “ “	-	-	B	-	-	-	-	6	-	40	-	-	-	-
5th “ “ “	-	-	A	-	-	-	-	-	-	-	-	-	-	11
“ “ “ “	-	-	D	-	-	-	-	-	-	-	-	-	-	8
Groton Artillery,	-	-	“	-	2	1	-	6	-	-	-	-	-	-
Leominster “ in exchange,	-	-	“	2	2	1	-	6	-	-	-	-	-	-
Milford, “ - -	-	-	“	-	-	-	-	-	-	40	-	-	-	10
Divisionary Corps, 1st Division,	-	-	“	-	-	-	-	-	-	60	-	-	-	-
Soul of Soldiery, -	-	-	“	-	-	-	-	-	-	72	-	-	-	-
3d Light Infantry, -	-	-	B	-	-	-	-	-	-	-	-	-	-	10

TABLE B—Continued.

	Company Letter.	Bronze 6 Pounders.	Field Carriages.	Caissons.	Tumbrils.	Artillery Harnesses.	Do. Swords and Belts.	Muskets.	Rifles.	Sabres.	Pistols.	Tents.
3d Light Infantry, - - -	C	-	-	-	-	-	-	-	-	-	-	9
" " " - - -	E	-	-	-	-	-	-	20	-	-	-	-
" " " partly in exch.	F	-	-	-	-	-	-	60	-	-	-	10
" " " - - -	G	-	-	-	-	-	-	-	-	-	-	9
4th " " - in exchange,	H	-	-	-	-	-	-	-	40	-	-	-
" " " - - -	K	-	-	-	-	-	-	-	-	-	-	9
6th " " - - -	A	-	-	-	-	-	-	60	-	-	-	-
" " " - - -	I	-	-	-	-	-	-	-	40	-	-	-
9th " " - - -	E	-	-	-	-	-	-	-	-	-	-	9
" " " - - -	G	-	-	-	-	-	-	-	-	-	-	9
" " " (muskets in exch.)	H	-	-	-	-	-	-	60	-	-	-	11
" " " - - -	I	-	-	-	-	-	-	60	-	-	-	9
" " " - - -	K	-	-	-	-	-	-	60	-	-	-	10
10th " " - - -	C	-	-	-	-	-	-	60	-	-	-	10
" " " - - -	D	-	-	-	-	-	-	60	-	-	-	10
" " " - - -	E	-	-	-	-	-	-	-	-	-	-	11
" " " - - -	F	-	-	-	-	-	-	-	-	-	-	9
11th " " - - -	A	-	-	-	-	-	-	-	-	-	-	9
" " " partly in exch.	B	-	-	-	-	-	-	50	-	-	-	10
" " " - - -	C	-	-	-	-	-	-	-	-	-	-	10
" " " - - -	D	-	-	-	-	-	-	60	-	-	-	9
" " " exch'd Rifles for,	E	-	-	-	-	-	-	60	-	-	-	10
" " " " " "	F	-	-	-	-	-	-	60	-	-	-	9
2d Battalion Light Infantry, -	A	-	-	-	-	-	-	-	-	-	-	9
		4	6	3	-	18	20	1122	80	-	-	327



## R E T U R N

*Of the Ordnance, Ordnance Stores, Military Equipments, &c.,  
in Arsenal at Boston and Cambridge, under the care of the  
Quarter Master General, December 31st, 1845.*

### TABLE 1.

CANNON, CARRIAGES, &c.	Cambridge.	Boston.	Total.
Cannon, Bronze, 9 pounders, - -	2	-	2
“ “ 6 “ - -	12	4	16
“ “ 24 “ F'd How'r, 5.82 Inch.	2	-	2
“ “ 12 “ Siege “ 4.62	2	-	2
“ Iron, 32 “ - -	4	-	4
“ “ 24 “ - -	29	-	29
“ “ 18 “ - -	3	-	3
“ “ 9 “ - -	1	-	1
“ “ 6 “ - -	-	2	2
“ “ Eprouvettes, - -	-	2	2
Carriages, (sea-coast defence,) 32 pndrs.	2	2	4
“ Fort, 32 “	5	-	5
“ “ 24 “	11	-	11
“ “ 18 “	11	-	11
“ “ 9 “	1	-	1
“ Field, 12 “	2	2	4
“ “ 6 “	8	2	10
“ “ 24 How'r,	2	-	2
Tumbrils, - - - -	9	1	10
Caissons, - - - -	3	1	4
Mortar Beds, - - - -	2	-	2

TABLE 2.

AMMUNITION, &c., BALLS & SHOT, &c.	Cambridge.	Boston.	Total.
Ball Cartridges, at "Captain's Island," contained in 278 boxes,* - -	274,458	-	274,458
Cannon Balls, 24 pounders, - -	1,299	-	1,299
" " 12 " - -	-	11	11
" " 9 " - -	-	42	42
" " 6 " - -	-	197	197
" " 3 " - -	-	108	108
" " for Ep'vettes, (2 hooks for do.)	-	8	8
Flannel, (red,) for Cartridge Bags, (yds.)	-	70	70
Matchrope, (lot) say (lbs.)	-	75	75
Portfires, - - - -	-	346	346
Priming Tubes,—filled, - - doz.	-	162	162
Musket Balls,—18 to lb. - -	214,200	-	214,200
Rifle Balls,—32 to lb. - -	3,200	-	3,200

\* This number was given in Report of 1844, at 293,568. The 278 boxes being supposed to be full. I have been informed, however, by Mr. Tufts, the keeper of the Magazine, that the boxes are not all full, and that the number given in this Table is correct.

TABLE 3.

ARTILLERY IMPLEMENTS & EQUIPMENTS.	Cambridge.	Boston.	Total.
Artillery Swords, - - - -	34	-	34
“ “ Belts, - - - -	-	322	322
Bill Hooks, - - - -	323	-	323
Bricoles, serviceable, - - -	3	38	41
“ unserviceable, - - -	6	18	24
“ Hooks and Rings, - - -	-	15	15
Cartridge Formers, - - - -	-	7	7
Funnels, Copper, - - - -	2	-	2
Fuse Extractors, - - - -	2	1	3
“ Gimlets, - - - -	2	-	2
“ Mallets, - - - -	4	-	4
“ Rasps, - - - -	4	-	4
“ Saws, - - - -	4	-	4
“ Screws, - - - -	2	-	2
“ Setters, - - - -	4	-	4
Gun Searchers, - - - -	4	1	5
“ Chains, - - - -	-	4	4
“ Covers, - - - -	2	10	12
Gunners' Belts, - - - -	1	13	14
“ Callipers, - - - -	1	1	2
“ Haversacks, - - - -	18	77	95
“ Quadrants, - - - -	2	-	2
Handspikes, Trail and Common, - -	47	40	87
Ladles and Worms, for 9, 6, and 3 pounders,	10	40	50

TABLE 3—*Continued.*

ARTILLERY IMPLEMENTS & EQUIPMENTS.					Cambridge.	Boston.	Total.
Lead Aprons, or Vent Covers,	-	-			11	2	13
Linstocks,	-	-	-	-	10	30	40
Portfire Cases,	-	-	-	-	8	48	56
“ Clippers,	-	-	-	-	17	2	19
“ Stocks,	-	-	-	-	8	41	49
Priming Horns,	-	-	-	-	6	34	40
“ Wires,	-	-	-	-	10	38	48
“ Gimlets,	-	-	-	-	7	2	9
Prolonges,	-	-	-	-	14	20	34
Rammers and Sponges,	-	-	-	-	16	48	64
Sponge Buckets,	-	-	-	-	14	17	31
Tar “	-	-	-	-	9	3	12
Thumbstalls,	-	-	-	-	12	9	21
Tube Boxes,	-	-	-	-	-	32	32
“ Belts,	-	-	-	-	-	25	25
“ Pouches,	-	-	-	-	8	-	8
Tompions,	-	-	-	-	4	16	20
“ Straps,	-	-	-	-	4	20	24
Towhooks,	-	-	-	-	20	7	27
Vent Punchers,	-	-	-	-	18	1	19
Tangent Scales,	-	-	-	-	14	-	14

TABLE 4.

ARTILLERY HARNESSSES & PARTS OF DO.						Cambridge.	Boston.	Total.
Field Carriage and Caisson Harnesses, complete, (sets for 2 horses,) old,	-	-	-	-	-	-	35	35
Do.	do.	do. new,	-	-	-	9	3	12
Leading Harnesses, extra,	-	-	-	-	-	42	-	42
Tumbril	do.	-	-	-	-	-	11	11
Bands, Back and Belly,	-	-	-	-	-	225	-	225
Breechings, for Chain Harnesses,	-	-	-	-	-	-	21	21
Bridles,	-	-	-	-	-	-	27	27
Collars,	-	-	-	-	-	-	10	10
Halters,	-	-	-	-	-	-	22	22
Hames,	-	-	-	-	-	-	29	29
" Straps,	-	-	-	-	-	-	34	34
Leg Guards, -	-	-	-	-	-	-	3	3
Riding Saddles,	-	-	-	-	-	-	4	4
Side Straps, -	-	-	-	-	-	6	56	62
Trace Chains,	-	-	-	-	-	-	240	240

TABLE 5.

ARMS, (OTHER THAN ARTILLERY) ACCOUTREMENTS, &c.	Cambridge.	Boston.	Total.
Muskets, - - - - -	8442	-	8442
Pistols, Cavalry, - - - - -	364	-	364
Pikes, - - - - -	-	94	94
Rifles, - - - - -	801	-	801
Sabres, Cavalry, - - - - -	429	-	429
“ Belts, - - - - -	-	436	436
Bayonet Scabbards, - - - - -	1665	1608	3273
“ “ with frogs, - - - - -	-	53	53
“ “ Belts, - - - - -	1665	1608	3273
“ “ “ Plates, - - - - -	422	-	422
Cartridge Boxes, (old pattern,) - - - - -	1785	1855	3640
“ “ (new pattern,) - - - - -	-	48	48
“ “ Belts, - - - - -	1785	1704	3489
Knapsacks, - - - - -	-	35	35
Gun Slings, - - - - -	-	53	53
Rifle Flasks, - - - - -	107	679	786
“ Pouches, - - - - -	219	632	851
“ Pouch and Flask Belts, - - - - -	273	618	891
“ Waist Belts, - - - - -	267	96	363
“ “ “ Plates, - - - - -	-	340	340
Appendages, viz. :—			
Ball Screws, - - - - -	250	21	271
Bullet Moulds, - - - - -	-	51	51

TABLE 5—*Continued.*

ARMS, (OTHER THAN ARTILLERY) ACCOUTREMENTS, &c.	Cambridge.	Boston.	Total.
Screw Drivers, - - -	2500	192	2692
Spring Vices, - - -	250	15	265
Wipers, - - -	2500	233	2733
Spare Flints, (lot) say - - -	250	200	450
" Flint Caps, - - -	2500	-	2500
Priming Wires and Brushes, - - -	-	21	21
Tents, Common, - - -	533	-	533
" Wall, - - -	-	-	-
" Poles, sets, - - -	270	30	300
" Pins, - - -	-	-	-
" Lines, - - -	2	-	2
" Mallets, - - -	220	-	220
" Toggles, - - -	214	421	635
Standard Boxes, - - -	-	6	-

TABLE 6.

MISCELLANEOUS ARTICLES, NOT INCLUDED IN PREVIOUS TABLES.	Cambridge.	Boston.	Total.
Adzes, Copper, (1 at Captain's Island,) 1 at Arsenal, - - - - -	2	-	2
Axes, Felling, - - - - -	6	-	6
“ Pick, - - - - -	6	-	6
Bitstocks, - - - - -	2	-	2
Boxes for Muskets, - - - - -	384	-	384
“ “ Rifles, - - - - -	43	-	43
“ “ Sabres, - - - - -	13	-	13
“ “ Artillery Swords, - - - - -	3	-	3
Brushes, - - - - -	2	-	2
Camp Kettles, (serviceable,) - - - - -	57	-	57
“ “ (unserviceable,) - - - - -	6	-	6
Benches, Work, - - - - -	5	1	6
“ Stools, - - - - -	5	-	5
Chests, Arm, - - - - -	-	15	15
“ Store, - - - - -	-	2	2
“ Shot, - - - - -	-	5	5
“ Copper, - - - - -	1	-	1
Chisel, - - - - -	-	1	1
Crowbars, - - - - -	16	2	18
Drums, - - - - -	2	4	6
“ Sticks, - - - - -	4	8	12
Drying Pans, - - - - -	-	2	2
Fife, - - - - -	-	3	3



TABLE 6—*Continued.*

MISCELLANEOUS ARTICLES, NOT INCLUDED IN PREVIOUS TABLES.	Cambridge.	Boston.	Total.
Files, (assorted,) - - - -	7	-	7
Flags, - - - -	1	1	2
“ Staff, - - - -	1	1	2
Gauges, Shot, - - - -	-	19	19
Hammers, - - - -	4	2	6
Grindstone, - - - -	1	-	1
Handbarrows, - - - -	12	1	13
Handsaws, - - - -	5	4	9
Hatchets, - - - -	3	2	5
Jacks, (serviceable,) - - - -	2	1	3
“ (unserviceable,) - - - -	-	1	1
Ladders, - - - -	5	4	9
Lathe, - - - -	1	-	1
Limber and Wheels, - - - -	1	-	1
Marquee and Fixtures, - - - -	-	1	1
Padlocks, - - - -	2	-	2
Paint Stone and Pommel, - - - -	-	1	1
Pincers, - - - -	5	2	7
Plank, Oak, - - - -	lot	-	-
Powder Bags, - - - -	4	2	6
“ Cart, - - - -	-	1	1
“ Measures, - - - -	2	10	12
Rakes, - - - -	2	-	2
Rocket Machine, - - - -	-	1	1
Scale Beam, and Weights, - - - -	-	1	1

TABLE 6—*Continued.*

MISCELLANEOUS ARTICLES. NOT INCLUDED IN PREVIOUS TABLES.	Cambridge.	Boston.	Total.
Screw Driver, - - - -	2	-	2
Sounding Rod, - - - -	1	-	1
Screw Wrench, - - - -	1	-	1
Settee, - - - -	-	1	1
Steps, - - - -	1	2	3
Shovels, - - - -	7	6	13
Sling Cart and Fixtures, - - - -	1	-	1
Spades, - - - -	5	7	12
Stamps, - - - -	41	3	44
Stools, - - - -	5	-	5
Stove, - - - -	1	1	2
Tackle and Fall, - - - -	1	1	2
Triangular Shears and Fixtures, - - - -	1	1	2
Toggles, Drag Rope, - - - -	-	553	553
Vices, Bench, - - - -	3	-	3
“ Breech, - - - -	1	-	1
Truck, Hand, - - - -	1	-	1
Wheelbarrows, - - - -	2	-	2
Water Pot, - - - -	1	-	1
Wrenches, - - - -	2	-	2

ADJUTANT GENERAL'S OFFICE, *December 31, 1845.*

A true Return,

HENRY K. OLIVER,

*Adjutant and Acting Quarter Master General.*



## SENATE.....No. 5.

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### Commonwealth of Massachusetts.

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*To His Excellency, GEORGE N. BRIGGS,  
Governor of the Commonwealth of Massachusetts :*

SIR :

The undersigned, Land Agent for the Commonwealth, has attended during this year, to all the duties required of him in relation to the care, superintendence and management of this State's interest, in the lands situated in the State of Maine, which appeared to be necessary, and has the honor to make the following

### R E P O R T :

Pursuant to a Resolve of the Legislature of said Commonwealth, passed the 27th day of February, 1844, authorizing an expenditure to be made, for opening and making a road from township letter H. of the second range of townships, near the Aroostook river, in a northerly direction to the river Saint John. The work was postponed last year, in consequence of the early part of the year being very wet, and unsuitable for road-making, and also for the purpose of examining the former location, to see if some improvement might not be made to advantage before commencing the road. We have succeeded in finding a far preferable route, over better land, and saving

six miles in distance. The road has been opened this year, and there is now a good and convenient travelling path, suitable for the convenience of the public, from township letter G., on the Aroostook river, to the mouth of Violet stream, on the river Saint John, in township letter M. of the second range. This road will be of great public utility, in facilitating the transportation of travellers, and supplies for the upper Saint John's, and particularly so, when the river is closed up by ice.

Conformably to the Resolve passed the 27th day of February last, I have proceeded in making sales of several tracts of land, which, in the aggregate, completes the full quantity contained in six full townships, and which is to the full extent of the authority contained in said resolve. If it is advisable to continue sales of the land held in severalty, it will be necessary that the Legislature should pass a new resolve for that purpose. The receipts for the land sold as above named, with some small lots of land to settlers, and money received for timber cut on the public lands, amount to the sum of one hundred and twenty-nine thousand nine hundred and fifty-two dollars and forty-seven cents—\$129,952 47—which amount, after deducting payments for some incidental expenses connected with the sales of land, and collecting timber dues, &c., has been paid into the treasury of this Commonwealth, from time to time, as sums accumulated.

I have also, agreeably to Resolves passed 24th March, 1843, and 16th March, 1844, and in conformity with the 4th article of the treaty of Washington, united with Levi Bradley, Esq., Land Agent for the State of Maine, in making deeds of conveyance to the settlers at Madawaska, four hundred and fifty-two lots of land, and twenty-two small islands, containing in the whole fifty-two thousand three hundred acres, and eighty-seven hundredths of an acre; one moiety of which being taken from the share belonging to this Commonwealth, amounting to twenty-six thousand one hundred and fifty-acres, and forty-four hundredths of an acre. The expense attending said conveyances, and remuneration for the quantity of land conveyed, will, I suppose, be fairly chargeable to the United States, and

without doubt will be refunded to the States when demanded, and proper vouchers produced.

In obedience to the Resolve passed the 14th day of March last, directing notices to be given to certain proprietors of lands, that measures would be taken to recover to this Commonwealth, the possession of lands which are subject to forfeiture for the non-performance of the condition for placing families on their several grants, or for neglecting to pay the commutation therefor, on, or before the first day of the present month,—the notices were given accordingly, and I have the satisfaction to say, that all have complied therewith, excepting the proprietors of township number two, of the third range of townships in the County of Franklin.

We have caused a line to be surveyed this year from the northwest corner of township number fifteen, of the seventh range of townships west of the east line of the State of Maine, due west to the new boundary line, and had all that section of country north of said line, surveyed up to the new boundary line, into townships of six miles square, as near as the nature of the country would permit, making in all about twenty-two townships. The plans and field minutes of said survey are not yet completed so as to be returned to this office.

In the course of several years, some sales of land have been made, and bonds issued from this office, entitling the holders of said bonds to receive deeds, when their payments were completed. At the time of making said sales, considerable amount of money was paid thereon, and promissory notes were taken and deposited in the treasury, payable on time for the residue. In some instances, the parties interested have entirely neglected to pay the notes, or even the interest, due for their purchase; and others have made partial payments only. According to the terms for which said lands were contracted to be sold, the contracts may be declared null and void at any time, for neglect of punctual payment, as it is probable very few, if any of the obligations thus situated will ever be paid, and the lands must necessarily remain under embarrassment. It seems to me that the interest of the Commonwealth will be best promoted, and also that of the obligors, if said contracts

were declared to be void, after giving suitable notice to the parties interested,—and that the obligations be given up, or cancelled, and the lands be again directed to be sold.

In the year 1842, the land agents of Maine and Massachusetts, made a lease to the United States, of a lot of land at the junction of Fish river with the river Saint John, where Fort Kent is now situated, for the purpose of establishing a permanent military post at that place, with a condition, however, inserted in said lease, that whenever it ceased to be maintained as a place of defence, it should revert to the States, with all the improvements, &c. While it was held as a military post, it was of immense importance to the neighborhood, as it tended to prevent quarrels and collisions, and allayed the angry passions between the people resident, and having lumbering concerns on both sides of the river; and it was frequently remarked that a vast benefit was derived, by the presence of prudent officers with a few soldiers having authority. The troops are now removed and the place left desolate, and the lumbering people in that vicinity are numerous, and I fear we shall hear of tumult and difficulties, by reason of the absence of all civil or military authority. I think it important that a suitable military establishment should be placed at that spot, being a distant and exposed frontier, and that the General Government should be solicited, and urged, to resume the post as soon as it may be practicable.

The number of acres sold and granted during this year, amount as follows, viz:—

In townships and parts of townships,	.	.	123,915
Settlers' lots,	.	.	1,781
			<hr/> 125,691
Grants to Madawaska and Aroostook settlers,	.	.	26,450
Whole number of acres alienated,	.	.	<hr/> 152,146

The quantity of land remaining in the State of Maine, belonging to the share of this Commonwealth, I estimate to be

about two millions five hundred thousand acres; and so far as I am able to make calculations from the documents on the files of this office, I think I am not far from right,—although it is somewhat difficult to be accurate, where the boundary lines are not all as yet clearly defined by actual measurement.

I shall prepare an account in detail of the receipts and disbursements in this office, and report the same to the Hon Legislature at an early period of the approaching session.

I have the honor to be

With great respect,

Your obedient servant,

GEORGE W. COFFIN, *Land Agent.*

LAND OFFICE, 31st Dec. 1845.









## SENATE.....No. 6.

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*To His Excellency*

*The Governor of Massachusetts :*

DEPARTMENT OF STATE, }  
*Washington, April 10, 1845. }*

SIR,—I have the honor to transmit to Your Excellency, the copy of a note addressed to me on the 7th instant, by the British Minister here, acquainting me that he is informed, by a despatch recently received from the Lieutenant Governor of New Brunswick, that His Excellency is ready to pay over to the United States Government the amount due to it, under the provisions of the fifth article of the Treaty of Washington, on account of the Disputed Territory Fund.

Transcripts of the Abstract Account, and of the Detailed Account of the Receipts and Expenditures of the Disputed Territory Fund,—the documents referred to in Mr. Pakenham's note, are herewith communicated for your information.

I have the honor to be, with great respect,

Your Excellency's obedient servant,

JAMES BUCHANAN.

(COPY.)

*Washington, April 7th, 1845.*

SIR,—With reference to the letter which I had the honor to address on the 21st of January last, to the Secretary of State of the United States, and to the previous correspondence on the subject of the Disputed Territory Fund; I have now the honor to acquaint you that, by a despatch lately received from the Lieut. Governor of New Brunswick, I am informed that His Excellency is ready to pay over to the government of the United States, the sum of three thousand seven hundred and twenty-three pounds, eight shillings, and three and a half pence, currency, due to the United States, in conformity with the provisions of the 5th article of the Treaty of Washington, on account of the Disputed Territory Fund.

*The Honorable JAMES BUCHANAN.*

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I have further the honor to transmit herewith an abstract account referring to that which was communicated to the United States Secretary of State on 25th April, 1843, and also a detailed account of the receipts and expenditures of the fund in the manner required by the article of the Treaty of Washington above referred to.

The money due, according to this account to the United States, will be paid in any manner which may be thought most convenient, on the delivery to the Lieut. Governor of the Province of New Brunswick of the necessary acquittance.

I have the honor to be, with high consideration, sir,

Your most obedient servant,

(Signed)

R. PAKENHAM.

(Copy.)

*Abstract Statement of the Disputed Territory Fund Account.*

RECEIPTS.	EXPENDITURE.
Balance, as per Abstract Statement, dated 11th April, 1843, - - - £1949 11 1½	This amount arising from Timber cut on that part of the Disputed Territory now in the Province of New Brunswick, - £503 12 9
This amount included in Expenditure, stated in previous Abstract, but remitted to accord with the terms of the Treaty of Washington, 1879 19 11	Less pro rata proportion of charges, which being £4992 on £8911, will be £297 10 on £503 12 9 - - - 297 10
£3029 11 ½	206 2 9 3723 8 3¼ £3929 11 ½

AUDIT OFFICE, Frederickton,

29th May, 1844.

(Signed)

F. N. ROBINSON, Auditor.

*To His Excellency, GEORGE N. BRIGGS,  
Governor of the Commonwealth of Massachusetts :*

SIR,—The Honorable John G. Palfrey handed me, a short time since, for my inspection, an account of the Receipts and Expenditures of the Disputed Territory Fund, transmitted by the Secretary of State of the United States, received by him from the Province of New Brunswick through the hands of Mr. Pakenham, the British Minister, which I have examined, and, so far as they have accounted for the receipts since 1829, I have no doubt is substantially correct. They have not, however, gone far enough back in my opinion, to cover all the receipts, for it is well known that large sums were received in 1824, and probably many years before, and annually between the years 1824 and 1829.

By the article of the Treaty of Washington, the Provincial Government are required to furnish a detailed account of the proceeds of the timber cut on the disputed territory, (not the net proceeds,) which appears clearly to me to mean that we should have the whole amount, subject to such charges only as may be strictly considered as incidental. But in the account of expenditures they charge for seizing and securing timber cut, or suspected to have been cut, a sum amounting to the sum of £1327 13 7 currency. Expenditures under the control of the Warden, £1519 9 6, a lumping charge without any detail. Proceedings in Law, £968 19 7, detailed in part only; and for constructing a Boom across the Aroostook River £1027 2 4, of which there can be no possible or reasonable right for making us answerable for one cent; leaving, after some other like charges, a balance acknowledged to be due us of £3723 8 3½ currency.

It was not expected, by the Commissioners who assisted in the negotiation of the treaty, that the charges such as are made would ever have been claimed, or if any charges were made they would have been of small amount, and that the

credits should fall so far short of what has actually been received in the Province Treasury.

The tract, before it came into our acknowledged possession, had been sadly stripped and wasted of its valuable timber, had been depredated upon for years, and if the treaty had been postponed a few years longer it would have been of very inconsiderable value to us. It seems to me, therefore, in my humble judgment, that the account as it now stands is very unsatisfactory as the proceeds for timber cut before the year 1829 is unaccounted for, and they have made charges which are inadmissible, and unless they will pay the acknowledged balance on account, it will be better to let the whole remain unadjusted.

With great respect,

Your obedient very humble servant,

GEORGE W. COFFIN, *Land Agent.*

July 3d, 1845.



BANGOR, 3d July, 1845.

JOHN G. PALFREY, Esq.,

Dear Sir,—Since my arrival at this place, I have had an interview with the Hon. Edward Kent and John Otis, Esq., two of the Maine Commissioners appointed to aid in the negotiation of the treaty of Washington. Mr. Kent says that he made a memorial to Mr. Webster, on the subject of what is termed the Disputed Territory Fund; that Mr. Webster submitted the subject to the consideration of Lord Ashburton, and it was the first information that his lordship had, that any such fund existed. His lordship replied, that Capt. McLaughlan, Warden of the Territory, was then in the city of Washington, he would immediately send for him, and inquire into the facts. McLaughlan soon came before them, and stated that a quantity of timber had been seized at various times, and the proceeds had been carried to the credit of the Disputed Territory, and was called the Disputed Territory Fund. Lord Ashburton then inquired what amount had thus been received. McLaughlan replied, that a considerable sum had been received, but how much he was not able to state, but that it had been mostly expended in defraying expenses, &c. Lord Ashburton seemed quite indignant, that the property belonging to another government had been charged with large expenses by the official agents of the Province of New Brunswick, and said there should not be any charges made, other than the common incidental expenses which would naturally occur.

In pursuance of this understanding, the article of the treaty was made a part of said treaty.

When I first visited New Brunswick in the year 1825, pursuant to a Resolve of the Legislature of Massachusetts, passed the 16th February, 1825, I ascertained from several sources that an amount equal to about 30,000 tons of timber, had been cut on the Disputed Territory in the year 1824, under licenses from the Province of New Brunswick, and that sundry licenses

had been issued for the year 1825, which, for some reason unknown to me, were immediately recalled. Since that period, annual depredations have been made on said territory, the timber seized and sold, and the proceeds deposited in the treasury of the Province. How much has been received in this way, I have no means of ascertaining, but no doubt it is very considerable, which, together with what had been received previous to 1825, must have been a very large amount. An account of the thirty thousand tons before named, I transmitted to Mr. Gallatin, when he was preparing an exhibit to lay before the King of Holland for adjudication.

After the treaty of 1783, till about 1829 or '30, all the monies received from lands and timber went into the treasury of the Crown, and since that period it has been allowed to go into the Province treasury, which is, I suppose, the reason why the account lately received goes no farther back than 1829. An account similar to the one transmitted to Massachusetts, has been received by the Governor and Council of this State, and they are under some embarrassment what course to pursue. It is probable Governor Anderson will communicate with Governor Briggs, as they think it of some consequence that the two States should proceed understandingly on this subject.

Before I return to Boston, I shall pass through Fredericton, and if I can gather any further information without intruding myself too much upon the government of the Province, I shall endeavor so to do.

Enclosed is a communication to Governor Briggs, although I feel that it may be thought officious in me unasked; yet, I think the Governor will be pleased to receive it, and give it such consideration as may be deemed expedient and proper.

I am, with high consideration,

Your most obedient servant,

GEO. W. COFFIN.

LAND OFFICE, Boston, 22d Aug. 1845.

*His Excellency* GEORGE N. BRIGGS,  
*Governor of Massachusetts :*

SIR,—I had the honor to address a communication to Your Excellency, a short time since, in relation to the account rendered from the Province of New Brunswick, of the receipts carried to the credit of the Disputed Territory Fund. I have since had occasion to pass through the city of Fredricton, and while there, I called upon a gentleman whom I had formerly been acquainted with at that place. He told me, that previous to the year 1829, all the receipts for timber cut on the Disputed Territory, were merged with the other receipts of the Treasury, and that no person but himself was conversant, or would be able, from the entries in the Province books, to ascertain what amount had been received from that territory. He said, however, that as he was a subordinate officer of the Province, he was unwilling to volunteer in making such a research; but if a requisition was made upon the Commissioner of Crown Lands, or the person having in custody the books of the Crown Land Office, to furnish a statement from the beginning, a correct account may be made out without much difficulty. In order to obtain such a requisition, it seems to me to be necessary, that the British Minister at Washington should be requested to cause such an account to be transmitted. I am well satisfied, that the account already furnished, contains but a small part of the amount which is justly due, and ought, of right, to be paid over to the States.

I am, with great respect,

Your obedient servant,

GEO. W. COFFIN, *Land Agent.*

## SENATE.....No. 7.

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OFFICE OF WEIGHTS AND MEASURES; }  
Washington, Nov. 1, 1845. }

*To His Excellency*

*The Governor of the State of Massachusetts :*

SIR,—I have the honor to inform you that a large balance, being one of those intended for the adjustment of standard weights and capacity measures, to be furnished to your State, under act of Congress, is now ready for delivery, and would respectfully ask your directions as to the time and place of delivery, and as to the person who may be duly authorized by you to receive it. The balance now prepared is of the largest size, being contained, with its appendages, in five boxes about  $5\frac{1}{2}$  feet long, and from about  $3\frac{1}{2}$  feet to 10 inches wide, and 20 to 10 inches deep. It will require a space of about 6 by 8 feet to set it up properly, and should be placed upon a firm foundation on a ground floor or partition built of brick or other masonry. I append a drawing of a small building, which would be appropriate for the preservation and use of the standards of weights and measures, which have been, or are to be distributed to your State, and would respectfully recommend that such a one might be provided for these elaborate and costly standards. They should at least be preserved in a fire proof building, and placed upon a very firm floor. When you are prepared to receive the balance, which is now ready for delivery to you, a person will be sent to set it up and to explain its construction and use to the agent in whose charge you may place it. It would be desirable that a scientific gentleman,

connected with some institution of learning in your State, should have the charge of the standards of weights and measures, and of the balances, and that they should only be used under his direction for the adjustment or verification of county or other standards.

By an answer addressed to me at this office, you will oblige

Yours, very respectfully,

A. D. BACHE,

*Superintendent of Weights and Measures.*





## SENATE.....No. 8.

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### M E S S A G E .

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*To the Senate :*

I transmit herewith, for the consideration of the Legislature, a communication from the Secretary at War of the United States, designed to obtain the consent of this government to the purchase, by the United States, of Governor's Island in the harbor of Boston, and a transfer of the jurisdiction of that island, and of Lovell's Island and George's Island, in the same harbor, to the national government.

GEO. N. BRIGGS.

COUNCIL CHAMBER, }  
Jan. 17th, 1846. }



WAR DEPARTMENT, *January 13, 1846.*

SIR :

To enable this department to comply with the joint resolution of Congress, of the 11th of September, 1841, I have to request your Excellency to adopt such measures as you may deem necessary, to obtain from the Legislature of Massachusetts legal consent to the purchase and the necessary jurisdiction for the United States over the several islands in the harbor of Boston, described in the communication of the Chief Engineer, herewith respectfully enclosed, with a sketch of a Bill, deemed sufficient for a full compliance with the joint resolution referred to herein.

Very respectfully,

Your obedient servant,

W. L. MARCY, *Secretary of War.*

*His Excellency*

GEORGE N. BRIGGS, *Governor of Massachusetts.*

ENGINEER DEPARTMENT,  
Washington, 13th January, 1846. }

HON. W. L. MARCY, *Secretary of War*.

SIR,—By an act of the Commonwealth of Massachusetts, approved 18th of June, 1825, it was provided that whenever the United States shall take possession of George's or Lovell's Island, in the harbor of Boston, for the purpose of erecting fortifications, the Legislature on request will cede the jurisdiction of said islands to the United States.

The first appropriation for commencing the Fort on George's Island was made March 2d, 1833; the work is far advanced towards completion; the jurisdiction of that island has not however been ceded to the United States. A sea wall has been built for the protection of Lovell's Island, and it may become necessary to occupy that island by works hastily thrown up on the approach of a war. I would therefore respectfully recommend that application be made for the passage, by the Legislature of Massachusetts, of an act ceding jurisdiction over both these islands.

An appropriation has been made by Congress, and is now available, for the purchase of Governor's Island in Boston Harbor. The titles have been examined by the Attorney General, and pronounced to be clear; and nothing is now wanting to complete the purchase except the consent of the Legislature of Massachusetts. I would therefore respectfully recommend, that application be made for the consent of the State to the purchase; and for the cession to the United States of jurisdiction over the island.

A rough draft of an act embodying the above provisions is submitted herewith.

I have the honor to be,

Very respectfully,

Your most obedient,

JOS. G. TOTTEN,

*Col. and Chief Engineer.*

## Commonwealth of Massachusetts.

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In the Year of our Lord One Thousand Eight Hundred and  
Forty-Six.

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### AN ACT

Ceding to the United States jurisdiction over George's Island, Lovell's Island and Governor's Island, in the Harbor of Boston.

SECTION 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That jurisdiction be, and the same is hereby granted and ceded to the United States, over two islands in Boston Harbor known as George's Island and Lovell's Island, and upon the former of which the United States are erecting works of fortification, known as Fort Warren.

SECTION 2. *Be it further enacted,* That the consent of this Commonwealth be, and hereby is granted, to the United States to purchase an island in the harbor of Boston, called Governor's Island, for the purpose of erecting thereon forts, magazines, arsenals, dock-yards, and other needful buildings; the evidence of the purchase aforesaid to be entered and recorded in the Registry of Deeds, in the County of Suffolk, and Commonwealth of Massachusetts; and that the jurisdiction over the said Governor's Island be, and the same hereby is, granted and ceded to the United States: *provided, always,* and the cession

and consent aforesaid are granted upon the express condition, that this Commonwealth shall retain a concurrent jurisdiction with the United States in and over the islands aforesaid, so far as that all civil and such criminal processes as may issue under the authority of this Commonwealth against any person or persons charged with crimes committed without the said islands, may be executed therein in the same way and manner as though this cession and consent had not been made and granted.

SECTION 3. *Be it further enacted,* That the property over which jurisdiction is granted by this act, shall be exonerated and discharged from all taxes and assessments which may be laid or imposed under the authority of this Commonwealth, while the said islands shall remain the property of the United States, and shall be used for the purposes intended by this act.







## SENATE.....No. 9.

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### P E T I T I O N .

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*To the Honorable the Senate and House of Representatives of  
the Commonwealth of Massachusetts.*

The Memorial of the Western Rail-road Corporation respectfully represents :—

That their Road was constructed at great expense and sacrifice on the part of the original proprietors and of the Commonwealth ; that it has been doing a large and constantly increasing business, a great share of which passes over the Boston and Worcester Rail-road ; that it has thus added to that road a great and profitable trade, the benefits of which it would not otherwise have enjoyed. That, in consequence of the heavy expenses of construction and the cost of operating their road through a mountain district but sparsely settled, and the excessive charges made by the Worcester Company for doing upon their road the business of the Western, your petitioners have, from year to year, labored under serious embarrassments from the inadequacy of their net income to pay a remunerating profit to their stockholders. That they repeatedly applied to the Directors of the Worcester Company to fix reasonable rates of toll and charges for doing the joint business of the two companies ; but this application was uniformly denied. That, in granting the charter of the said Worcester Company, the Legislature provided that no other road should be made within a specified distance of the Western termination of that road to Boston ;



but in order to protect the interests and rights of citizens in the vicinity, and westward of Worcester, against excessive charges by that Company, the Legislature, at the same time, *reserved the right to authorize another road to enter upon that road, paying for the right of using the same such a rate of toll as the Legislature might, from time to time, prescribe.* With these provisions before them, the Western Rail-road Corporation was created, the stock was subscribed subject to these provisions, and its stockholders paid their money with a full knowledge that they were entitled to its privileges.

Under these circumstances, therefore, your Petitioners, in January, 1844, applied to the Legislature to prescribe the rate of toll which they should pay to the said Worcester Company for the right of using their road for the business of your Petitioners. Whereupon, after a partial hearing before a Committee, the questions at issue were, by agreement between the two Companies, referred to the decision of the Hon. John M. Williams, Linus Child, and Charles H. Warren, whose award, a copy of which is annexed, gave to your Petitioners partial relief for one year, and until one party should give to the other a prescribed notice to terminate said award. That, at the time prescribed, said Worcester Company terminated the same by such notice. Whereupon, sundry applications were made to that Company to agree upon reasonable rates of toll, and charges, for the joint business—but without success. And your Petitioners, in January, 1845, were again compelled to apply to the Legislature for an act prescribing the terms upon which the said Worcester Company should transact such joint business. And, thereupon, several hearings were had before a Joint Committee of the Legislature, in which your Memorialists urged their right to have the Legislature themselves decide definitely the questions in issue between the parties. But said Committee reported a general law to regulate all similar cases by Commissioners to be appointed by the Supreme Court, and the same was passed under the title of "*An Act to regulate the use of Rail-roads,*" which law they supposed would afford a speedy and effectual remedy for your Memorialists. Your Memorialists then made sundry attempts, without success, to arrange

this unpleasant controversy by negotiation. They also offered to submit the same to a new arbitration,—but the Directors of the Worcester Company peremptorily and repeatedly refused to assent thereto; and your Memorialists were then compelled to enter upon a vexatious suit at law. And in the month of April last, they presented their petition to the Supreme Court, setting forth their grievances, and praying for the appointment of Commissioners, under the provisions of the law above recited.

To this petition, the said Worcester Company, after notice, in the month of May last, filed a long special answer, near the close of that term of the Court, setting forth sundry reasons why the prayer of said petitioners should not be granted; and, among other things, alleging divers facts, which being denied by your Memorialists, must result in a laborious trial of fact in some form, whenever the case can be reached, in its order, upon a large and crowded docket; and denying the right of the petitioners to any redress for their grievances, and the *right* of the Legislature to give that redress in any form, and particularly the power of the Legislature to enact the said law for the appointment of Commissioners, and for the delegation of their authority to them, and averring that the said law was not applicable to them; thus raising various questions for the hearing and decision of the full Court in law term, whenever the issues thus presented can be made up in form, and the other business of the Court will give time for the argument, examination, and decision thereon.

And your Memorialists aver that said case has now been pending in said Court, nearly one year, and it seems, in fact, little nearer to a termination than when said petition was filed. That such is the pressure of business in said Court, and such the intricacy and multiplicity of the questions raised by the said Worcester Company therein, that your Memorialists are advised, that a long time may elapse before a final decision can be effected by the Court, and before even Commissioners can be appointed to enter upon and hear the merits of the controversy between the parties; and it may be, that, after a protracted hearing before said Commissioners, the validity of any decision or order made by them may be contested, and your

Memorialists subjected to another long litigation to sustain the same.

And your Memorialists further allege, that these proceedings are subjecting, and will hereafter subject them to enormous expenses, and will necessarily withdraw the attention of their important executive officers from the duties of their stations, and embarrass all their business operations probably for a series of years. And, what is of great consequence to your Memorialists, as the provisions of the law under which said proceedings are had, may, perhaps, not be held to be retroactive in their operation, and as this decision of said commissioners can, in that event, only operate for the business done subsequently to the date thereof, your Memorialists will be entirely remediless for all the loss and diminution of income in the intervening time, which in itself offers to the said Worcester Company a large premium or bonus for any delays they may be able to cause in a final decision.

By these means, the provisions of the law aforesaid are entirely ineffectual for the relief of your Memorialists, and are oppressive to them.

In view of all these circumstances, your Memorialists most respectfully, but earnestly, ask the attention of your honorable bodies to the provisions of law, which seem to your Memorialists to make it the imperative duty of the Legislature *themselves* to examine into the merits of the questions in controversy between them and the said Worcester Company, and at the present session to pass an act which shall determine and fix "the rate of compensation" which shall be paid by your Memorialists to the said Worcester Company "for doing upon their road the business" of your Memorialists; and that the same may have reference as well to the business done since the filing of their petition in the Supreme Court, as above set forth, as to that hereafter to be transacted, or to grant to your Memorialists such other and further relief as may seem just and reasonable.

The Western Rail-road Corporation, by

GEO. BLISS, *President.*

## AWARD OF THE ARBITRATORS,

MADE MAY 21, 1844.

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*The undersigned, the Arbitrators named in the Submission hereto annexed, marked A, having met and fully heard the parties thereto, do make the following Award:—*

The Boston and Worcester Rail-road Corporation, having waived certain objections supposed by them to be well founded, to any action by the Legislature or by the arbitrators, in the premises, as appears by the paper hereto annexed, marked B, the arbitrators have passed upon the questions submitted to them, and make this award, upon what they deem to be just and equitable principles, without regard to legal objections.

They, in the first place, adopted the principle that the Boston and Worcester Rail-road Corporation are to be paid all the expenses to which they are subjected in the transportation of freight to and from the Western Rail-road, and that, in estimating these expenses, all the freight carried on the Boston and Worcester Rail-road, from whatever source derived, should bear its proportion of all the freight expenses on that road.

In addition to the sum thus to be paid as the amount of actual expense incurred in transporting the freight aforesaid, the arbitrators are of opinion that the Boston and Worcester Rail-road Corporation is entitled to a fair and reasonable profit upon this portion of their business.

In establishing a principle upon which the amount of this profit is to be determined, the arbitrators have had regard,

*First.* To what they deem to be the policy of the Commonwealth, as established by its legislation, that the construction

of new rail-roads, to be connected with roads already in use, is to be encouraged; and that the business brought to the old road by such new road is to be regarded as standing on a different footing from that brought from other sources.

*Second.* To the fact independently of such considerations of public policy, that the new road deals with the old road as a large customer bringing business in large masses.

*Third.* To the fact that, to a certain extent, the Western Rail-road brings a new business to the Boston and Worcester Rail-road; and,

*Fourth.* In some degree, to the pecuniary situation of the Western Rail-road.

The arbitrators, however, would say that the consideration last mentioned has had no weight with them, except so far as they have thought it for the interest of the Boston and Worcester Rail-road Corporation that their customers should be enabled to realize a profit from their business operations, which will induce them to continue them.

Proceeding upon the principles above indicated, the arbitrators are of opinion, and do award accordingly, that for all freight brought from or carried to the Western Rail-road, the Boston and Worcester Rail-road Corporation is entitled to receive two cents and seven-eighths of a cent per ton for each mile of their road over which the same is transported; that this sum includes a compensation for the use of the depots of the said Boston and Worcester Rail-road Corporation, and for the expense of loading and unloading thereat; that each Corporation is to supply the motive power over its own road; that each is to provide its proportion of cars and attendants according to the number of miles on each road each ton of freight is transported, and that each is to be subject to all expenses and to assume all risks on its own road.

The sum above-named is fixed with reference to the now existing freight tariff, agreed on by the parties. If the Western Rail-road Corporation shall hereafter increase the rates of freight, passing over any part of the Boston and Worcester Rail-road, to or from the Western Rail-road, they shall pay to

the Boston and Worcester Rail-road Corporation a corresponding *per centum* of increase upon the sum above-named.

The article of flour is not included in the foregoing part of this award. The rates of transportation of that article, in the judgment of the arbitrators, and, as it should seem, in the opinion of the parties, should stand upon other and peculiar grounds. In reference to this article, the arbitrators have endeavored to ascertain the cost to the Boston and Worcester Rail-road Corporation, of transporting it, and finding it to be about nine cents per barrel over their whole road, do award that that sum shall be paid by the Western Rail-road Corporation, for such transportation over the whole of the Boston and Worcester Rail-road, and *pro rata* for transportation over any part thereof. *Provided*, that if the rate of transportation from Greenbush to Boston, shall be fixed by the Western Rail-road Corporation at a sum exceeding thirty-six cents per barrel, the Boston and Worcester Rail-road Corporation shall receive one fourth part of the said sum so to be fixed, for transportation over their whole road, and *pro rata* for transportation over any part thereof.

In coming to this conclusion, the arbitrators have proceeded upon the principle that they would not be justified, in compelling the Boston and Worcester Rail-road Corporation to carry any article over their road for a sum less than the actual cost of transportation. If there be any counterbalancing incidental advantages, which should render it expedient for them to do so, they can be best weighed by the parties, and may become the subject of an agreement dictated by a regard to their common interests.

In regard to the transportation of passengers, the arbitrators have proceeded upon the principles heretofore stated, as adopted by them, in reference to the transportation of freight; and in pursuance of those principles, do award, that the Western Rail-road Corporation pay to the Boston and Worcester Rail-road Corporation, two and one half cents per mile for each passenger of the first class carried to, or brought from the Western Rail-road to the Boston and Worcester Rail-road, and

two thirds of said sum for each such passenger of the second class.

They further award that emigrants are to be considered as passengers of the second class, unless the parties, by mutual agreement, shall otherwise treat them.

And they further award, that, if the Boston and Worcester Rail-road Corporation shall hereafter reduce the fare for passengers of the first class on their road to less than two and a half cents per mile, or for passengers of the second class to less than two thirds of that sum per mile, the same deduction shall be made from the sums to be paid them for passengers by the Western Rail-road Corporation.

Each Corporation shall supply motive power, cars, attendants, and depot accommodations, and be subject to risks in the transportation of passengers, in the same manner, and to the same extent, as is herein before provided in regard to freight transportation.

*In witness whereof*, we have hereunto set our hands this twenty-first day of May, in the year of our Lord one thousand eight hundred and forty-four.

(Signed,)

J. M. WILLIAMS,  
LINUS CHILD,  
C. H. WARREN.

I hereby certify, that the foregoing is a true copy of the award of the arbitrators.

(Signed,)

J. M. WILLIAMS, *Chairman.*

## A.

*Whereas*, the Western rail-road Corporation has presented to the Legislature of Massachusetts a petition, a copy of which is hereto annexed and makes part of this agreement :

Now it is hereby agreed by and between the Western Rail-road Corporation and the Boston and Worcester Rail-road Corporation, that the said petition shall be referred to the Honorable LINUS CHILD, of Southbridge, JOHN M. WILLIAMS, of Taunton, and CHARLES H. WARREN, of New Bedford, with power to hear and determine all matters which may be brought before them by said parties as fully as the Legislature could do, under the said petition, and the award of said referees, or of the major part of them, being made in writing, under their hands in the premises, shall be binding on the said parties, for the period of one year, from the first day of January, instant, and thereafter, until the expiration of three months from the date of notice of dissatisfaction therewith, given by one party to the other in writing.

If either party, being duly notified, should neglect or refuse to attend before the referees, they may proceed *ex parte*.

(Signed,)

NATHAN HALE,

*Pres. Boston and Worcester R. R., and Chairman of the Com.*

EDMUND DWIGHT,

*President Western R. R. Corporation.*

JANUARY 30, 1844.









## SENATE.....No. 10.

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### Commonwealth of Massachusetts.

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*To the Senate and House of Representatives, of the Commonwealth of Massachusetts :*

Upon the Petition of R. M. N. Smyth and others, for leave to construct a Rail-road from Boston to Chelsea,—the Board of Rail-road Commissioners respectively

### R E P O R T :

That said petition was presented to the Chairman of the Board on the second day of July last. Upon the suggestion of the petitioners the appointment of the time and place for the hearing was postponed until a late day in the autumn. Early in the month of November, orders of notice were issued by the Chairman to all such towns and other corporations as appeared by the terms of the petition to be entitled thereto, as will appear by reference to the original petition which is herewith transmitted, and the order endorsed thereon under the date of November 15, 1845,—said paper being marked (A).

On the 23d day of December last, in pursuance of the aforesaid order, the Board met at the place appointed, all the members being present, and it appearing that the notices required

had been duly given, they proceeded to the hearing and consideration of the case. Immediately after the opening of the case by the counsel of petitioners, at their request, the Board went upon the ground and had a view of the entire route of the proposed road from near Haymarket Square in Boston, to its junction with the Eastern Rail-road in Chelsea. Upon this view it came to their knowledge, for the first time, that the route crossed, for a short distance, over flats within the limits of the towns of Cambridge and Somerville. Whereupon the Board adjourned until the next day, and ordered a copy of the petition to be served forthwith upon the respective clerks of the towns aforesaid. At the opening of the meeting on the following day, the selectmen of the towns of Cambridge and Somerville appeared; and on the part of the town of Cambridge it was represented that the selectmen were of opinion that the interests of that town as a corporation, and of many of its citizens in their private capacity, were seriously involved in the projected enterprise, and that they were desirous of laying the matter before their town at a meeting which was to be held on the 5th instant,—and, upon their earnest solicitation, and with the assent of the petitioners, the meeting of the Board, at that stage of the hearing, was adjourned to the sixth day of January instant. It having also been suggested that, in the final location of the road, it might be necessary to cross some lands within the territory of the town of Malden, a notice was ordered to be served upon the clerk of that town.

On the 6th day of January instant, the Board reassembled, Mr. Mills, one of its members, being absent by reason of sickness. Objection was made on the part of the Maine Extension Rail-road Corporation to any proceedings being had by the Board, in the case before it, unless *all* the members were present. The gentlemen of the Commission who were in attendance, conceiving that the Statute of 1845, chap. 252, authorizing the appointment of this Board, contained no authority for summoning in one of the Special Commissioners in an emergency like the present, but believing that, by virtue of the 6th Sect. of the 2d Chap. of the Revised Statutes, a majority

of the members of the Board were authorized to act, decided to proceed in the hearing of the case.

At this meeting, the following corporations and interests appeared in opposition to the prayer of the petition, viz :—The Maine Extension Rail-road Corporation; the town of Cambridge; the town of Medford; the town of Charlestown; Jesse Hall and others, owners of real estate in Cambridge,—and the owners of the “Cary Farm” in Chelsea.

An agreement in writing, between the petitioners on the one part and the Winnissimet Company and certain owners of real estate there, on the other part, was offered; and the parties avowed their wish to have it regarded as still binding. The paper accompanies this report, and is marked (B), and in consideration of the agreement stated in that paper, the parties of the second part withdrew all opposition to the petition.

At the first meeting of the Board, the President of the Eastern Rail-road appeared, and being informed by the petitioners in answer to an inquiry put by him, that they did not ask for, or contemplate any connection with the Eastern Rail-road other than that of running their track up to a point near it, and establishing a depot there, he, in behalf of the Eastern Rail-road Corporation, declared that he had no objections to make, and withdrew.

The counsel of the town of Cambridge then objected to any further action by the Board upon this petition, on account of the insufficiency of the notice given to that town, but thirteen days having elapsed between the time of the service of that notice upon the town and the time of making this objection. He claimed that the town was entitled to the same notice in this case as in the cases provided for in the Revised Statutes, Chap. 24, Sect. 2, and Chap. 39, Sect. 46. He also objected to the proceedings, secondly, because no notice had been specially served upon the towns of Medford, Brighton, Watertown and the other towns, if any, whose interests might be seriously affected by further obstructions to the navigation of the Charles and Mystic Rivers, across which it was proposed to carry this rail-road,—and, thirdly, because it did not appear, by the notices which had been published, or by any memorandum upon

the petition itself, that it was presented to the Chairman within the time required by the Statute.

The Board decided that, by the Statute, the manner and time of giving notice of the pendency of any petition before them, was a matter left wholly to the discretion of the Board; that, although the notice in this case to the town of Cambridge was shorter than would have been given if the Board had been earlier informed that the proposed location touched their territory—yet, inasmuch as special notice had been given to them as soon as that fact came to the knowledge of the Board, and the Selectmen of the town had, thereupon, appeared, and the Board had adjourned at their request for twelve days, and the subject had, in the mean time, been legally brought before the town and acted upon by them—the notice, under these circumstances, was a reasonable and adequate one; that the incidental and indirect injury which might be done to towns bordering upon navigable rivers, by projects which might obstruct the navigation of such rivers, did not entitle those towns, as a matter of right, to be served with a *special* notice—and that, the *fact* of the presentation of this petition at the time above stated being within the knowledge of the Chairman and the Board, the circumstance of its not being endorsed upon the petition or stated in the notices, constituted no valid objection to the proceedings in this case.

The counsel aforesaid, then put into the case a copy of certain votes of the town of Cambridge upon this subject, at a meeting held on the 5th instant, which is paper (C) accompanying this Report, and, stating that he had pressing professional business to attend to elsewhere, he retired, leaving the Selectmen to look after the interests of the town of Cambridge. Shortly after, one of the Selectmen, stating that their counsel having withdrawn, and that they were not disposed, under the circumstances, to employ other counsel to supply his place, begged leave, respectfully, to withdraw entirely, and retired.

These objections and rulings are thus particularly detailed, at the request, and for the benefit of, the parties by whom the points were raised.

At the commencement of the examination of the case, the

petitioners placed before us a Report of Messrs. Nott and Higginson, civil engineers, accompanied with plans and profile of the route, being the same which were used at the hearing of the petition of W. J. Valentine and others, before the Joint Committee on Railways and Canals, at the last session of the Legislature. But, at an early stage of the investigation, it became apparent that, on account of some change in the proposed route, and for other reasons, a further survey was necessary. Accordingly, during the adjournment of the hearing, as before stated, a new survey was made by Mr. J. H. Shearer, engineer, and his Report, accompanied by a plan and profile of the entire route, is transmitted, with the documents in this case.

Several petitions in aid of the principal petition in this case, were also offered, and are transmitted, to wit: A petition from 139 citizens of Boston—a petition from 180 citizens of Chelsea—a petition from 119 citizens of Portsmouth, N. H.—a petition from 197 citizens of Newburyport—and a petition from 19 citizens of Ipswich.

The *immediate* object of the petitioners is to construct a railroad for the accommodation of the citizens of the villages of Upper Chelsea and Winnissimet, and those residing near Charlestown Neck, most of whom have their places of business in the city of Boston, and have occasion to pass to and from the city every day. An avowed *ulterior* object is to furnish those travellers upon the Eastern Rail-road, who wish to avoid crossing the East Boston Ferry with the means of doing so.

It will be observed, that these petitioners were neither aided nor opposed, in their efforts before us, by the Eastern Rail-road Corporation. No evidence was offered of any understanding or arrangement between these parties, either existing or prospective, by which any coöperation between them was to be effected. So far as appeared to us, these petitioners are acting altogether independently of the Eastern Rail-road Corporation. It became, therefore, questionable with us how far they ought to be permitted to go into evidence of the advantages which this road might furnish to travellers upon that route, inasmuch as, without the consent of that Corporation, such travellers could not possibly obtain the benefits expected from the new route.



We, however, determined not to exclude any evidence on that ground, but to allow the petitioners to present their claims in the same manner as though an arrangement on this subject were sure to take place.

The following facts were proved to our satisfaction by the petitioners, viz:—

A great majority of the adult population of the whole town of Chelsea, and seven eighths, at least, of that portion residing in the Winnissimet village, go every day, once at least, to Boston and back. There is an omnibus making five daily trips, each way, through Charlestown, which is used by a few people who have insuperable objections to the ferry, or who wish to be taken up at their doors, at a fare of  $12\frac{1}{2}$  cents. But a very great majority of the people cross the ferry in the boat of the Winnissimet Company. This ferry is  $1\frac{3}{8}$  miles in length, and is plied by a steamboat, making four trips an hour, two each way, commencing at sunrise, and leaving Boston on its last trip, at  $10\frac{1}{2}$  o'clock, P. M. About three quarters of the receipts of the ferry are from that class of persons who might take advantage of a rail-road, that is, foot passengers. The fare for a single passage is  $6\frac{1}{4}$  cents; but the Company dispose of season tickets to single persons for \$12 yearly, and to families at a much less rate, so that the fare to persons going by season tickets, averages about one cent. As many as two-thirds of the foot passengers go by season tickets. The whole number of passengers daily, is variously estimated from 1500 to 2500.

There is now, and has been for years, great dissatisfaction on the part of the Chelsea people with this ferry and its management. This feeling (whether reasonable or not is another question) is almost universal in that community. The Company have been thought to be in fault for not furnishing more commodious boats, though that now in use has lately been much improved. But, notwithstanding this improvement, and the certain prospect of still better accommodations expected hereafter, there is yet a very general and strong desire, rising to a resolute determination on the part of some, to avoid the ferry altogether. The objections to the ferry are, that it is very uncomfortable, particularly for ladies and children, in stormy

weather; that at some seasons it is liable to be entirely closed by solid ice, and at others, much impeded by ice floating out from the Mystic and Charles Rivers; that thick fogs often occur, when the course of the boat has to be regulated by signal bells at each end of the route; and that vessels are often met in the channel, and sometimes forced by the tide across the mouth of the slip into which the boat enters, so firmly that the ferry boat itself has to be used to tow them out. The first of these causes has, in a few instances, in very severe weather, entirely stopped for some days together, the trips of the boat—the three latter occasion only temporary delays, and break up the regularity of the crossings.

There was a good deal of discrepancy in the testimony as to the number of days that the boats, for the last ten years, have been stopped by the solid ice. Often, it was shown, when the harbor has been frozen over so that persons could walk over it between Chelsea and Boston, a channel has been kept open for the boat, by having it constantly running day and night. Some few times, however, and for days in succession, the boat has been firmly frozen in, and people put to the inconvenience of going, by such conveyances as could be obtained, around by land to Boston. These things occur not regularly nor every winter, but occasionally—and must inevitably occur, as the petitioners allege, in winters of extreme inclemency.

It was proved that Chelsea, particularly the Winnissimet village, is rapidly increasing in population; that its rate of increase for the last four years has been greater than that of any other town in Massachusetts; that, on account of the high price of real estate in Boston, there is at present a strong tendency in its population to flow out into the towns and villages in its near neighborhood—and that, although Chelsea has so greatly increased of late, the inconveniences and annoyances connected with the ferry have operated, in some measure, to check its growth and prevent so rapid a rise in the value of real estate there as would, but for these causes, have taken place.

To remove these difficulties it is, so far as the interests of the Chelsea people are concerned, that this charter is prayed for. But another and very desirable object, the petitioners

claim, will be secured by it, viz: avoiding the ferry at the terminus of the Eastern Rail-road, which ferry is liable to precisely the same objections as is that of the Winnissimet Company. It is by this road that a large portion of the residents on the eastern sea-board now travel to Boston, and it was proved by a large number of witnesses from Boston, Chelsea, Salem, Bangor, and other places, that there is a prevalent opinion among the persons whose business obliges them to travel over this road, that the East Boston Ferry is an inconvenience of much moment, and that measures should be taken to avoid it, if possible—that travellers living in the State of Maine, east of Berwick, where the Eastern unites with the Maine Extension Rail-road, very often choose the latter road, and give, as a reason for it, the trouble to be apprehended at the East Boston Ferry, and that in consequence, in part, of the inconveniences of this ferry, projects are starting up in many places to connect some of the larger sea-board towns by spur-roads, with the Maine Extension Road. It was also proved that the landing in Boston, of this ferry, as well as the Winnissimet was at a point less easy of access, and in some respects less convenient than the proposed depot of the Chelsea Rail-road would be, and that a serious additional objection to the Eastern Road was the *rush* which usually takes place among the passengers, for the purpose of obtaining eligible seats in the cars, as soon as the boat strikes the East Boston shore.

The petitioners claim, that, as soon as their road shall be made, an arrangement will *probably* be concluded with the Eastern Rail-road Company, by which the latter will run their cars from Upper Chelsea into Boston upon the Chelsea Company's Road, and use, in common with them, their proposed depot on Hay Market Square. But, as this suggestion has hitherto received no countenance, so far as we know, from the Eastern Rail-road Corporation, it was regarded by us as entitled to no weight, and the petitioners, very properly, rested this part of their case mainly upon the position, that without connection with that Company, they should be able to induce a large portion of the travellers upon the Eastern Road, to leave it at the Upper Chelsea depot, and complete the journey to Bos-

ton in *their* cars: and some proof was offered in support of this position. The reasons given why the traveller would do this, were, his probable wish to avoid the ferry, and his presumed preference of the Hay Market to the Ferry Wharf, as the place of landing in Boston. To balance these reasons, there is the natural indisposition of the traveller to change his mode of conveyance when so near his journey's end; the trouble of doing this, especially if he has baggage; the probability of detention from the six draws; the danger of crossing two rail-roads and the increased distance (nearly double) of the new when compared with the old route; the fact that he must have anticipated this change, and provided for it, when he took the cars and paid his fare, and the fact, that the old Company can certainly afford, the distance being so much in their favor, to carry him as cheap, at least, as the new. It is not the province of the Board to judge of the weight of these reasons.

As an additional reason for the establishment of this road, it was urged that it would aid in the accomplishment of the desirable object of concentrating and uniting, as nearly as possible, at the same place in the city, the depots of the different Eastern rail-roads terminating at Boston.

Upon these grounds, principally, the petitioners rely as showing that degree of convenience and necessity which constitute the *public exigency*; that authorizes the legislature to confer upon them the powers and privileges of a Rail-road Corporation.

To show in what manner the inconveniences complained of can be removed, they have proved to us the following facts respecting their proposed route:—

Its eastern terminus is at a point near the Eastern Rail-road, about  $3\frac{1}{2}$  miles from the ferry landing at East Boston, and  $3\frac{57}{100}$  miles from Boston proper, by the course of that road. The distance of this point from Boston by the course of the proposed road, is  $6\frac{16}{100}$  miles. The line passes near both villages in Chelsea, makes a large circuit northerly for the purpose of avoiding the U. States lands at Charlestown—crossing Malden street at grade, the Mystic River below the Malden Bridge, over the Middlesex Canal, under Charlestown street on “the Neck,” across the Maine Extension Rail-road at grade, at an angle of

7°, and on a curve of 1600 feet radius—thence along the west-erly side of said Maine Extension Road, crossing with it the Fitchburg Rail-road and Charles River, to Hay-market Square in Boston. Draws will be required in the bridges over Chelsea Creek, Mystic River, the Middlesex Canal, Miller's River (as it is called) and Charles River—six in all. The three latter will be opposite and close to the draws of the Maine Extension Rail-road Bridge, will be opened at the same time, and, in their ef-fect upon the navigation, will only lengthen the passage for vessels through them, and possibly somewhat change the direc-tion and increase the force of the current through and near them.

The route proposed is nearly level, and has but one cut of any considerable depth, but is very circuitous. It will be ex-pensive on account of its land damages, particularly between Charlestown Neck and Boston, and the large amount of filling and pile-bridging required. The estimate of the cost of the Chelsea Road, as given in the Engineers' Report, is \$354,816, which estimate did not include the cost of land and damages in Boston, and the cost of depot buildings, which items were afterwards added by him, as follows :—

For Engine House and fixtures in Charlestown, . . . . .	\$4,000
For Merchandise House on land of Maine Extension Road in Boston, to be 800 feet long by 49½ wide, and 3 stories high, . . . . .	161,595
For Passenger House, of wood, on city land in Boston, . . . . .	7,000
For land of Maine Extension Road in Boston, 1260 feet in length and 49½ in breadth—equal to 62,370 feet; also, 5 rods in width through land of the city—equal to 10,642 feet—in all 73,012 feet at \$2 per foot, . . . . .	146,024
For damage to the brick Merchandise House of the Maine Extension Rail-road in Boston, . . . . .	40,000
For damage taking wooden building of said road, . . . . .	200
For turning-table in Boston, . . . . .	1000
	<hr/>
	\$359,819

This amount, added to that given in the Report of the Engi-neer, makes the total estimate \$714,631.

From the evidence adduced as to the correctness of these estimates, it appeared that, with the exception of three items, they were generally sufficient. For the 73,012 feet of land, estimated at two dollars per foot, it appeared that 150 cents per foot should be added, for a safe estimate—equal to \$109,518. To the estimate for cost of construction and damages on Charlestown Neck, at least \$15,000 should be added, and for filling and walling on the flats, and damages for the flats, about \$11,000—giving an aggregate of \$850,000 for the whole cost of the road, which would be increased to about \$900,000, if buildings corresponding with the other parts of the work should be erected for the Passenger House and the Engine and Car Houses.

The plans of the petitioners respecting their buildings and grounds in Boston, are on a large scale, embracing objects not strictly within the range of those usually contemplated in railroad charters. A large revenue is expected from the rent of storage rooms in the second story, and from the halls and lecture rooms in the third story. Whether so large an expenditure of capital for these objects is justifiable or expedient, others must decide.

The estimates of business and receipts on this road, marked (F) are from the petitioners, and that marked (G) is from the remonstrants in behalf of the Maine Extension Road. So large a proportion of the road is on bridges and piling, that a high per centage must be put down for deterioration. Estimating the cost of running the road at 75 cents per mile for ten trips per day each way, as proposed, this amount, with a fair allowance for the deterioration, will give the sum of \$50,000 as the annual amount to be provided for, before any thing can go to shareholders for their remuneration.

The testimony produced before us did not show any reasonable prospect of business for the road, sufficient to meet these expenses.

Some testimony, however, was offered, tending to show that the stock of the Company would be taken up.

The parties who appeared before the Board and opposed the prayer of the petition, were:—

1st. *Thomas G. Cary*, and others, heirs, proprietors of the "Cary Farm," (a tract of land in Chelsea, containing about four

hundred acres,) who proved that the road would pass on their land for the distance of about one mile—that a considerable part of this distance is excavation, reaching in one place to the depth of 32 feet, occasioning great inconvenience and great injury to the remainder of the tract—that the owners did not wish, and were not at present in a situation to bring the land into market for building-lots, and, therefore, could derive no advantage from the increased value which, it was proved, would be given to the land in case the projected work should go into successful operation—and that, on account of the location of the proposed depots in Chelsea, this expected rise in the value of the land for building purposes was by no means certain.

2d. On the part of the *Town of Charlestown*, it was shown that the contemplated rail-road would cross three highways in that town, obstructing and endangering, to some extent, the public travel on all of them—that the main street at the "Neck" was 80 feet in width, and one of the most important thoroughfares in the neighborhood of Boston—and that, in the charter of the proposed Corporation, special provision ought to be made for the extension of the bridge, by means of which travellers were to pass over the rail-road, to nearly or quite the whole width of the street, and for sufficient temporary accommodation for the travel while the construction of the proposed bridge was in progress.

3d. On the part of the *owners of wharves* on the shore of *Charles River in Cambridge*, it was shown, that their property and business had been seriously injured already by the different rail-road and other bridges which the Legislature have heretofore authorized to be constructed across the flats and the channel of the river—that although the proposed bridge and draws are to be so arranged, in reference to the Maine Extension Rail-road bridge and draws, as to cause them less damage than they would sustain should the proposed structure be a separate one entirely, yet nevertheless it would have a tendency still further to injure their business and property. It was also proved, that the passage of these draws imposed a considerable expense, in some instances as high as thirty dollars, up-

on vessels passing through them ; that the draws of the Maine Extension bridges occasioned a greater delay than any other, inasmuch as they could only be passed at half tide ; and that the lengthening of the passage through the draw by widening the bridge might often occasion serious difficulty.

4th. A Committee from the *Town of Medford* appeared and remonstrated zealously against authorizing any further obstructions to the navigation of the Mystic River. It was proved that a valuable trade in lumber and other heavy articles was carried on at Medford, and that not less than 8,000 or 10,000 tons of merchant vessels were built annually in her ship-yards. Difficulties similar to those described in connection with the Charles River draws, were proved to exist at the draw of the Malden Bridge, which will be doubled by the erection of a *new* bridge, as the petitioners propose. It was claimed that the erection of this bridge would so obstruct the ebbing and flowing of the tides in the river as to change, if not entirely to fill up, in places, the channel of the river. But considering that the plan of the petitioners is to have an opening of pile-work in their bridge 1,000 feet in length, which is 200 feet longer than a similar opening in the Malden Bridge directly above, and but a short distance from it, the evidence failed to establish the position. Another very serious objection to these obstructions upon the Charles and Mystic Rivers having reference to their effect ultimately, upon the harbor of Boston, was urged upon us. Upon this subject we beg leave to refer to the report of a careful survey by a board of scientific commissioners, communicated to the Legislature of the year 1837, which is No. 47 of the printed documents of the Senate of that year.

5th. *The Maine Extension Rail-road Corporation* most strenuously opposed the granting of the prayer of these petitioners at every stage of the hearing before us. They alleged that there was no existing public exigency to warrant the construction of the proposed rail-road, and proved that the people of Chelsea were soon to have their means of communication with Boston improved by the placing upon its ferry of a superior iron steamer, 150 feet long, with two cabins each 90 feet



long, and an engine of the power of 75 horses, intended to make 60 trips daily at an average speed of 8 minutes per passage; that the average rate of fare by this ferry was so low that any rail-road of the length of six miles would find it impossible to continue a competition with it—and that no village within six miles of Boston, upon any of the rail-roads, had increased with any thing approaching to the rate of the growth of Chelsea under all the alleged disadvantages of its ferry. Evidence was also introduced tending to show that the measures recently adopted for the purpose of clearing the outer harbor of ice, would lessen the liability to detention by ice at the ferries. In reference to the expected travel from the Eastern Rail-road, it was shown that it is now carried over the shortest route, with a punctuality which is invariable except by the occasional interruptions at the ferry—that the fare has been reduced to a rate generally admitted to be reasonable, and that the present company would be as *able*, though perhaps not as *likely*, to reduce the fare still lower, as it would be after a new corporation, should be created, whose success would depend upon its ability to deprive the old of a portion of its receipts,—and, if there did exist a public exigency for a new route to avoid the Eastern ferry, that there were other routes, as for instance, that through Danvers, that through South Reading, and a much more direct one from Chelsea, by which this could be done, which were calculated at the same time to afford accommodations to business and travel in other directions. It was shown that, in addition to the inconvenience of the same kind already existing, the new draws upon this route would have to be raised many thousand times every year, involving the frequent detention of vessels in the streams and constant danger to passengers upon the road—and that the plan proposed would require at least 110 daily crossings by locomotives at the intersection of the Charlestown Branch, Maine Extension, Fitchburg and Chelsea Rail-roads near Prison Point Bridge, making an average of 8 per hour during the working hours of the day, manifestly to the great danger of life and property.

In regard to the particular damage to be done to the Maine Extension Company by the accomplishment of the plan of the petitioners, the facts proved are—that it crosses their road at

such an angle as to endanger, somewhat, the trains on both the roads—that it prevents them from carrying out their plan of building their engine and car houses, by cutting off a large portion of their island wharf, which they have constructed at great expense upon flats specially granted to them for rail-road purposes by the last Legislature, upon certain conditions with which the company has faithfully complied—that it will deprive them of nearly half of their ground in the city, although they have no more than is, or soon will be, required for the convenient transaction of their business, and greatly diminish the value of the residue—that it will entirely destroy a new freight depot 500 feet in length by 55 in width—that it will be difficult if not impossible to obtain in the vicinity other lands at all adapted or adequate to their accommodation—that it will render it necessary to build their engine and car house at an inconvenient distance from their depot—that it will produce confusion and trouble to have the tracks, engines, and depots of two independent rail-roads in such close proximity—that it cuts them off from and deprives them of the use of their dock and wharf on Canal street, which, in a measure, are necessary for their business and the place of which cannot be supplied—and that the new road, if it must be built, should be brought in on the east instead of the west side of their track, and the new company be required themselves to occupy with their depot buildings the ground on Haverhill street and the proposed wharf near Warren Bridge, to which they are attempting to drive the remonstrants.

The following positions were also strongly urged by the Maine Extension Rail-road Company, as resting on the principles of a wise public policy and sound constitutional law, but as strongly resisted and denied by the petitioners, viz :—

That the depot grounds now occupied by them were obtained and appropriated under a charter and compact with the State for rail-road purposes, and cannot now be taken from them by any other corporation ;

That the right reserved in the charter to *enter* with another rail-road the track of the Maine Extension Company, negatives the idea of any reserved power to appropriate the rail-road or any part thereof for another rail-road ;

That the proposed road will, by the evidence, cost nearly a million of dollars, and has little prospect of being able to pay its expenses; and it is not the policy of the State or of any enlightened nation to sanction a waste of capital, or spread a net which may involve the adventurous and unwary in ruin; nor is it good policy to interfere, except in extreme cases, with existing lines of rail-roads, and thus inspire distrust, and check the progress of a system most beneficial to the State.

That this case has been twice adjudicated, once in 1836, when the present direct route of the Eastern Rail-road was deliberately adopted by the Legislature, and again at the last session, when the claims of the present petition were carefully examined and rejected.

To all this it is replied by the petitioners, that if a case of emergency or exigency, such as is contemplated by the constitution, has been made out by the evidence, and it is shown that it would be a feasible one but for the intervention and pre-occupation of the Maine Extension Company, then that intervention cannot have made it less feasible and just; that they do not ask of the Legislature the power to take the property of this Corporation, except upon rendering a full compensation for all damages, which is the precise condition upon which they were empowered by their charter to take the same or similar property from its previous owners—and the exigency justifies the one act as well as the other.

These positions are adverted to, in order that the Legislature may have a full view of the case as it was presented to us, and at the hazard of being charged with having gone out of the very limited sphere of our duties. The fact that the hearing of the case by the Commissioners was protracted almost to the very hour when the law requires the report to be made to the Legislature, will suggest an apology for any omissions which may be discovered hereafter of what ought to have been recited, and for any defect in the arrangement and classification of the evidence attempted to be detailed.

By order of the Board of Rail-road Commissioners,

OSMYN BAKER, Chairman.

Boston, Jan. 10, 1846.

# SENATE....No. 11.

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## Commonwealth of Massachusetts.

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IN SENATE, Jan. 24th, 1846.

The Joint Standing Committee on the Militia, ask leave to submit the accompanying Report, pursuant to a Resolve passed January 31st, 1845.

CALVIN WILLARD, *Chairman.*

## **Commonwealth of Massachusetts.**

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IN SENATE, January 24th, 1846.

By a Resolve passed January 31st, 1845, it was made the duty of the Committee on the Militia, for the time being, in the month of January in each year, to visit the State Arsenal, in the city of Boston, and the State Arsenal, in the town of Cambridge, and make a thorough examination into the condition of the same, and of the arms and munitions of war, and of other property of the State, or General Government deposited therein, and report concerning the condition of said Arsenals and property.

In obedience to the requirement in said Resolve, the Committee on the Militia have attended to the duty therein prescribed, and, on the twentieth day of January instant, visited and inspected the State Arsenal, in the city of Boston, and also the State Arsenal, in the town of Cambridge, and the arms and munitions of war deposited therein. The Arsenal at Cambridge the Committee found in good order and condition. The arsenal buildings, in the city of Boston, need repairs. The brick Store-house should be newly slated; it should also be painted, and the cellar floor be replaced by a new one. The long wooden building near the brick Store-house, needs new shingling.

As the result of their examination, the Committee have much satisfaction in stating, that the arms and munitions of war, deposited in said Arsenals, are clean, in good order, and well arranged; and, together with the other property therein deposited, in a condition reflecting great credit upon the distinguished officer, having the charge and custody of that department, for

assiduity, faithfulness, and skill, which the cleanliness, preservation, and nice arrangement of the public property, under his charge, clearly indicate.

Per order of the Committee,

CALVIN WILLARD, *Chairman.*



## SENATE.....No. 12.

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### Commonwealth of Massachusetts.

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*To the Senate and House of Representatives of the Commonwealth of Massachusetts:—*

Upon the Petition of Francis Deane, Jr., and others, to be incorporated as the Uxbridge Branch Rail-road Co.,—the Board of Rail-road Commissioners respectfully

### REPORT:

That said petition was regularly presented to them on the 31st day of October last. A meeting of the Board was forthwith summoned, and notice thereof directed to be given, as by the order endorsed upon the original petition which accompanies this Report, will appear. On the 30th day of December, the Commissioners met at Uxbridge, agreeably to the appointment aforesaid, and it appearing that the required notices had been duly given, they proceeded to the hearing and consideration of the case.

The prayer of the petition is for leave to construct a Rail-road from the Boston and Worcester Rail-road at Chamberlain's Mill, in the easterly part of Westboro', in a southwesterly direction through Woodville in Hopkinton, Upton Centre, and the westerly part of Northbridge, to the Central Village in Ux-



bridge, where it is to form a junction with the Providence and Worcester Rail-road.

Chamberlain's Mill is distant from Boston by the rail-road, 28 4-5 miles, and from Worcester 15 miles. The Providence and Worcester Rail-road, which has been located, and is in part under contract, is to connect Worcester with Providence through the valley of the Blackstone River. Uxbridge, which is the southern terminus of the Branch Rail-road now applied for, is on the line of the Providence and Worcester Rail-road, *twenty-five* miles from Providence and *eighteen* from Worcester. The distance from Uxbridge to the Boston and Worcester Rail-road, by the line of the proposed branch, is *fourteen and two-fifths* miles.

The object of the friends of the Uxbridge Branch Rail-road project, is to facilitate and increase the business intercourse of the flourishing manufacturing villages upon the Blackstone and its tributaries, with Boston. When the Providence and Worcester Road shall be completed, the population of this valley will have a direct rail-road communication with tide water at Providence and with Worcester. But to reach Boston by rail-road conveyance, they must either go down the valley to Providence, and thence by the Boston and Providence Road, 40 miles, to Boston—or they must pass up the valley to Worcester, (the Millbury Branch, which effects but a small saving of distance, and is operated by horse-power only, being left out of the calculation,) and thence by the Boston and Worcester Road to Boston. Uxbridge, being about midway in this valley between Providence and Worcester, is distant from Boston by either of the last mentioned routes upwards of *sixty-two* miles. By the proposed route of the Uxbridge Branch, this distance will be only 43 1-5 miles, a saving of 18 4-5 miles. The other villages in the Blackstone valley, within 10 or 12 miles of Uxbridge, will, in the matter of distance, obviously be benefited by the proposed branch road in the direct ratio of their proximity to that place.

The face of the country through which the surveys for the proposed road have been carried, is found to be exceedingly favorable. This assertion is based principally upon the Engi-

neer's Report, which is herewith transmitted. This document has been carefully examined by the Commissioners; and to test the correctness of its conclusions on several points, a large number of intelligent witnesses, whose residence is in the vicinity of the route, and who are perfectly acquainted with the character of the soil over which the line passes, were examined. From all this evidence, the fact of the unusual feasibility of the entire route was fully established. By reference to the Engineer's Report, it will be found, that the summit to be overcome on the line surveyed is in Hopkinton, and is only 72 feet above the level of the Boston and Worcester Road at the point of junction, and 108 feet above the level of the Providence and Worcester Road at Uxbridge. The highest rate of grade employed to surmount this elevation either way, is 42 feet per mile. The other grades are much less than this, and the line for more than half the whole distance is level.

It appeared that the Engineer adopted the 42 feet per mile as the *maximum* grade, in the belief that, with such a grade, the facility of working the road would be about the same as the Boston and Worcester Road, of which this is, practically, to form a part. But when the very favorable curvatures upon the contemplated road are considered, as well as the very light merchandise trains which are to be run upon it, compared with the trains upon the Boston and Worcester Road, there would seem to be scarcely a doubt that much higher gradients might be adopted with the certainty of effecting an important saving of expense in the rock excavations and other heavy portions of the work. Engines of sufficient power to move the immensely heavy loads which pass over the Boston and Worcester Road would carry the lighter freight of the Branch Road over much steeper grades than the Engineer has adopted. This consideration is of peculiar importance upon routes where rock and the other more expensive kinds of excavation prevail. And this fact should be borne in mind when, in a subsequent part of this paper, we are brought to an examination of the estimates of the expense of constructing the road.

The curves upon this survey are, in general, found to be very favorable. It will be seen that only two are reported as of so

small a radius as to be regarded, under any circumstances, as objectionable. These occur at the respective termini of the road, and are each of 1,000 feet radius. The fact of their occurrence near the points of junction where the trains are to start and stop, removes almost entirely, as it appears to us, all objection to them. But even if this were otherwise, it was shown to us that in such case the curve could be enlarged without any considerable increase of expense.

It will, also be observed, that, by the Engineer's Report, there occur *twenty-two* road crossings upon the route. Fourteen of these are put down as "at grade," or where the rails of the track and the travelled path of the highway cross each other upon the same level. This mode of crossing is dangerous and ought to be avoided everywhere if possible. Experience has shown that, notwithstanding the warning required by law, and given in all cases by the erection of conspicuous sign-boards and the ringing of the engine bell, frequent and fatal accidents do happen. By a cursory examination of the plan and profile, it is found that 5 of the 14 crossings "at grade" can be avoided, and crossings, either over or below the track can be substituted without an unreasonable increase of expense. If this is done at the crossings of the more important thoroughfares, the danger in the remaining cases will be of no serious magnitude.

The Engineer's estimate of the cost of construction was made a subject of minute investigation by the Commissioners. By evidence independent of, and in addition to, that furnished by the Engineer's report, it was shown that its statements in respect to the favorable character of the earth upon the line of the road were, in no particular, exaggerated. It was proved that the earth-excavations for the grading of the road consisted mainly of a coarse gravel, entirely free, so far as is known, from hard pan or clay, and that the average *haul* is less than one-fourth of a mile—that there are but two or three large cuts, and none exceeding about 25 feet in depth and 200 feet in length, even with the maximum grade of 42 feet to the mile, which, as has been before shown, can probably be, with advantage, considerably increased—that there is little ground for uncertainty as to the quality or quantity of the rock to be re-

moved from below the surface—that stone for the masonry is easily obtained and of the best quality, and that a very liberal allowance is made in the estimates for land damages.

It must be observed, that the total cost of the road, as estimated, is \$298,000, and that this does not include any allowance for station-houses, engines, cars, &c. For these objects, and to do the business which is expected upon the road (which will be particularly stated in a subsequent part of this Report,) not less than two passenger and one freight train will be required to run daily each way, over the road—and for these indispensable requisites and accommodations about \$45,000 must be added to the aggregate above stated; thus increasing the total cost to \$345,000.

If, as we suppose, some of the items in the Engineer's estimate are large, this aggregate might be somewhat reduced. For safety, however, (and to suppress, if possible, all unreasonable expectations,) we leave the items as they stand in the estimate.

The annual expenses of a road, with accommodations as above estimated, and doing a business of the magnitude allowed in the calculations hereafter to be presented, may be set down at \$20,000.

The next subject of inquiry by the Commissioners, was the amount of business which may fairly be calculated upon for the support of the proposed road. This is always a matter of difficulty. There is little definiteness, certainly nothing of *exactness*, in any of the elements of such calculations. The fundamental fact in all such estimates is the actual amount of business done in a given time in any community; and it would seem that this, so much of it at least as could be made available for the support of a rail-road, could be ascertained with a very near approach to certainty. But the wide variance generally in the results obtained by different individuals of equal ability, and fairness, operating independently but upon the same existing state of facts, should admonish us of the danger of placing too implicit a reliance upon them. Much more should we hesitate when we are called upon to apply the imperfectly ascertained facts respecting the *present* time to the *fu-*

*ture*—to a condition of things which may be influenced by innumerable circumstances which we cannot foresee and would not be able to appreciate if we could—to events yet unaccomplished, and which, in defiance of all our efforts to ascertain them beforehand, never cease to excite our surprise at their unexpected occurrence.

All such estimates, therefore, it would be wise to regard as doubtful and distant *approximations* to the truth. One statement, however, which is confirmed by universal experience on the subject, it is proper to make here, viz: that the amount of business created in any community by the establishment of a rail-road in its vicinity, has always vastly exceeded all previous calculation. Whether this business is actually *created* by the stimulus which this mode of transportation gives to business, or whether it existed to some extent before but not in a condition to be readily observed, as it always is upon a rail-road, is a matter of no consequence in this connection. The fact is unquestionably as stated.

It is to be remembered, that the principal object of the Uxbridge Branch Rail-road is to facilitate the trade of the people in its vicinity with Boston. It was assumed by the Petition at the hearing, that the business of all the manufacturing villages in Massachusetts, upon the Blackstone below Uxbridge, had a strong tendency towards Boston, and that although Providence was considerably nearer, yet the great superiority of Boston as a market, would, notwithstanding this difference of distance, draw the business irresistibly in that direction. This tendency it was urged, would extend more or less to those villages in Rhode Island which are most remote from Providence, and owned or controlled by the capitalists of that city. The village of Woonsocket, it is said, is in this condition, its capital being furnished by its own citizens, who have no strong inclination to the Providence market, but who are making strenuous efforts to improve and strengthen their business connexion with Boston. The business of this village, therefore, it was contended, ought to be included in the estimate of business for the proposed Branch road. It would appear to be reasonable to calculate on this business unless it shall be diverted by the establish-

ment of some rival and more direct route. The estimate of business for this road may therefore commence at this place, though proper allowances should be made, as well in respect to *this* as to the villages in its near neighborhood northerly, for the probable effect of the circumstances above alluded to.

*Woonsocket*, in Cumberland, R. I., is 16 miles from Providence and 9 miles from Uxbridge. It has 18 cotton mills with 40,000 spindles; 4 woollen mills with 12 sets of machinery; 6 machine shops; a large iron foundry, and many other heavy works. About 1000 operatives are employed in the above works. The cotton mills turn out over 155,000 yards, and the woollen mills 4,700 yards of cloth per week. The consumption of cotton is about 5,500 bales, and of wool 281,500 pounds per annum. The population is about 5,000.

Estimated annual sum paid for passengers in stages,	\$11,000
“ “ “ “ for freight of merchandise,	\$40,000

*Waterford, Blackstone and Millville* are manufacturing villages in the town of Blackstone, with an average distance of  $18\frac{1}{2}$  miles from Providence, and 6 miles from Uxbridge. Their aggregate population is 2,500. They contain 5 cotton mills with 37,400 spindles and 5 woollen mills with 32 sets of machinery. The produce of these mills is 153,000 yards of cotton and 12,000 yards of woollen cloth per week. They consume 3,150 bales of cotton and 1,100,000 lbs. of wool per annum. There is also a scythe manufactory in the latter village, turning out 2,000 dozen of scythes per annum. The water power also at the latter village has been largely increased the present year, and a corresponding increase of business may be expected.

Estimated amount paid annually for passengers,	\$1,300
“ “ “ “ for freight of merchandise,	13,000

*Slatersville*, in Smithfield, R. I., is 17 miles from Providence, and 6 miles from Uxbridge, has a population of 1,200; 2 cotton mills with 12,000 spindles, making 55,000 yds. of cloth per week, and consuming 2,400 bales of cotton annually.

Estimated amount paid annually for passengers,	\$2,500 00
“ “ “ “ for freight of merchandise,	2,600 00

## UXBRIDGE BRANCH RAIL-ROAD CO. [Jan.

*Iron Stone* is a small manufacturing village in Uxbridge, about 3 miles from the centre, with one woollen mill making 1000 yards of cloth per week, and working 30,000 lbs. of wool per annum. A large cotton manufactory is in the process of construction, and will be finished and put in operation next summer, about 2 miles south of Uxbridge Centre; and an advantageous site exists about 1 mile from the village, on which an enterprising citizen is intending to erect a mill the coming season.

No estimate of freight or passengers in connexion with these works was furnished to us.

*Uxbridge Centre* is 25 miles from Providence. It has 5 woollen mills with 17 sets of machinery, making 12,000 yards of cloth per week and consuming 624,000 lbs. of wool per annum. There are also a machine shop, 3 carriage shops, a tannery, and a boot and shoe manufactory. The population of the town (excluding Rogerson's Village,) is 2000.

Estimated amount paid annually for passengers,	\$4,000 00
" " " for freight of merchandise,	4,000 00

This estimate does not include the business of 8 stores in the town, a large lumber yard which this year has brought from Boston 260 tons of lumber, or the very large and flourishing agricultural interest of the place.

*Rogerson's Village*, one mile from Uxbridge Centre, has 2 cotton mills with 10,000 spindles, both owned in Boston, and all their business done there; 18,000 yards of cloth are made per week and 550 bales of cotton consumed per annum. There are also a stove manufactory, batting mill and other works.

Estimated amount paid annually for passengers,	\$500 00
" " " for freight of merchandise,	2,000 00

*Whitinsville* on the Mumford River, in Northbridge, is 2 miles from Uxbridge. It has 2 cotton mills calculated for 10,000 spindles, which turn out 70,000 yards of cloth per week, and consume 2,000 bales of cotton per annum. The shoe manufacturers and curriers employ about 200 hands in the village.

Here is also one of the largest and most successfully employed machine shops in the State. One of the proprietors stated that the water power, by arrangements now going on, would be nearly doubled and the works proportionally increased. There is to be a depot on the Worcester and Providence Road within  $1\frac{1}{2}$  miles of this village, to which it is calculated that 5000 tons of freight per annum would go from this village, and that one half at least would pass over the Uxbridge Branch.

Upon the present business of the village only the  
 estimated amount paid annually for passengers, is \$1000 00  
 " " " for freight of merchandise, 10,000 00

*Douglas*, also on the Mumford River, is 5 miles from Uxbridge. Here are 2 cotton mills with 8000 spindles, making 70,000 yards of cloth per week, and using 750 bales of cotton per annum; 1 woollen mill, working 51,200 lbs. of wool per annum, and making 1800 yards of cloth per week; and 1 large axe manufactory, having a very large amount of freight of heavy articles, such as iron, coal, grindstones, &c. The consumption of the latter article at the works during the past year is said to have exceeded 400 tons.

The estimated amount paid for passengers annually is \$1500 00  
 " " " " for freight of merchandise, 12,000 00

The *Munchaug Mills*, on the same stream in Sutton, 7 miles from Uxbridge, are 3 cotton mills with 5000 spindles, making 20,000 yards of cloth per week and consuming 450 bales of cotton per annum.

Estimated amount paid annually for passengers, \$100 00  
 " " " for freight of merchandise, 1500 00

At *Plummer's Basin*, within 2 miles of the contemplated road in Northbridge, is a pretty extensive trading establishment, where the estimated amount paid for freight per annum, is \$600.

*Holbrook's Village* in Northbridge, is 3 miles from the proposed branch road; has 3 cotton mills with 12,000 spindles,



employing about 200 operatives, and making 50,000 yards of cloth per week, and using 2100 bales of cotton per annum. Here is also a machine shop, and a prospect of a great increase of business.

Estimated amount paid annually for passengers,	\$1500 00
"        "        "        for freight of merchandise,	9000 00

At *Upton*, near the middle of the surveyed line, there is considerable manufacturing done of various kinds, particularly of boots and shoes, and of straw.

The estimated amount annually paid there for passengers, is . . . . .	\$3500 00
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The estimated amount annually paid for freight of merchandise, . . . . .	5000 00
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*George Hill*, in the southeast part of Grafton, is 2½ miles from the proposed road, and pays

for passengers, . . . . .	\$500 00
for freight of merchandise, . . . . .	1000 00

*Woodville*, in Hopkinton, has a population of 300; 1 cotton mill, 1 twine factory, 1 batting mill and some other works.

Estimated amount paid annually for passengers,	\$250 00
"        "        "        for freight of merchandise,	1200 00

*Hopkinton Springs* are also near this place, and from the fact that an annually increasing throng of visitors resort to the place in summer, some business may be expected for the road from this place. No estimate has been made of it, however, nor of the business which Mendon and some other rich towns in the neighborhood, may possibly give to the road.

According to these estimates the aggregate of all the sums now paid, for passengers in stages and for freight, in the above named villages, is \$129,550 per annum. By the concurrent testimony of all the witnesses, it appears that not less than one half of this sum is paid for travel and freight to and from Boston, viz. \$64,775.

The above estimates include nothing for passengers by pri-

vate conveyances, nor for freight of the agricultural products carried to market by the farmers of the rich country in the neighborhood of the route. If for these objects and for the increase of business since these statistics were prepared, (some of them having been taken nearly eighteen months since,) together with an allowance for some establishments entirely omitted in the estimates, we add 40 per cent., we have 90,685 dollars as the gross annual receipts for passengers and freight over the route, of which this branch will form about the one third part. If the Boston and Worcester Company shall exact 60 per cent. of these earnings for its proportion, (the petitioners however expect to be able to make a much more favorable arrangement,) there will then remain the sum of \$36,274 as the expected gross receipts of the proposed Branch Rail-road.

The above statements constitute a summary, as brief as practicable, of the evidence submitted to us. To such a statement we suppose ourselves to be restricted by the statute under which we act, and therefore we have carefully abstained from giving any opinions or reasonings of our own, as well as from stating any inferences except those which are of the nature of *general facts*, that necessarily result from the particular facts actually proved.

The papers appended to this report are,—the petition submitted to us with the order of notice thereon,—the report of Samuel Nott, Esq. the engineer who surveyed the route,—and the plan and profile of the survey, which accompanied said engineer's report.

All which is respectfully submitted,

By order of the Board of Rail-road Commissioners,

OSMYN BAKER, *Chairman.*



## SENATE.....No. 13.

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### **Commonwealth of Massachusetts.**

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IN SENATE, January 27, 1846.

The Joint Committee on Railways and Canals, to which was committed the Petition of the Charlestown Branch Rail-road Company, and the Fitchburg Rail-road Company, for an act concerning said companies, report the accompanying Bill.

THOS. HOPKINSON, *Chairman.*

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Six.

### AN ACT

Concerning the Charlestown Branch Rail-road Company and the Fitchburg Rail-road Company.

*Whereas* the Fitchburg Rail-road Company, in accordance with the provisions of its charter, has purchased the Rail-road and all the corporate property of the Charlestown Branch Rail-road Company, except the debts due to it, and the lands and flats in the vicinity of the State Prison :—

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

- 1      SECT. 1. The Fitchburg Rail-road Company shall
- 2 have, except as is hereinafter provided, all the pow-
- 3 ers and privileges, and be subject to all the duties,
- 4 restrictions and liabilities, set forth in the act passed

5 on the ninth day of April, in the year one thousand  
6 eight hundred and thirty-six, entitled An<sup>d</sup> Act to es-  
7 tablish the Charlestown Branch Rail-road Company,  
8 and in the several acts subsequently passed in addi-  
9 tion thereto, or concerning or in any wise relating to  
10 the Charlestown Branch Rail-road Company, in as  
11 full and ample manner as though the same powers  
12 and privileges, and the same duties, restrictions and  
13 liabilities had been granted to or imposed upon the  
14 Fitchburg Rail-road Company.

1   SECT. 2. The Charlestown Branch Rail-road  
2 Company is hereby authorized to continue its exist-  
3 ence as a separate Corporation for the period of three  
4 years from the passage of this act, for the purpose  
5 of fulfilling its outstanding contracts not assumed  
6 by the Fitchburg Rail-road Company, of disposing  
7 of and conveying its remaining property, and of set-  
8 tling and closing its concerns, and for these purposes  
9 only, shall have all the corporate powers and privi-  
10 leges, and be subject to all the duties, restrictions  
11 and liabilities, set forth in the forty-fourth chapter of  
12 the Revised Statutes.

1   SECT. 3. This act shall take effect from and after  
2 its passage, and the acceptance thereof by the two  
3 companies at legal meetings called for the purpose.



## SENATE....No. 14.

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### Commonwealth of Massachusetts.

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IN SENATE, Jan. 27, 1846.

The Joint Committee on Railways and Canals, to which was committed the Petition of Daniel Abbot, President of the Nashua and Lowell Rail-road Corporation, praying for leave to construct a branch of their road in Lowell, report the accompanying Bill.

THOMAS HOPKINSON, *Chairman.*



**Commonwealth of Massachusetts.**

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In the Year One Thousand Eight Hundred and Forty-Six.

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**AN ACT**

In addition to an Act establishing the Nashua and Lowell Rail-road Corporation.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1   SECT. 1.   The Nashua and Lowell Rail-road Cor-  
2   poration are hereby authorized and empowered to  
3   locate, construct, and finally complete a "branch  
4   track" from their road in the City of Lowell, com-  
5   mencing at a point on said road about 1700 feet  
6   westerly from its junction with the Boston and Low-  
7   ell Rail-road ; thence running easterly on a straight  
8   line to the Western avenue, so called ; thence on a  
9   line curving to the south on said Company's land,  
10   and over the Patucket Canal and land of William  
11   Livingston to said Company's land ; thence on a

12 straight line across Middlesex street and land of Ze-  
13 nas Stetson, and a street laid out by the Proprietors  
14 of the Locks and Canals on Merrimack River, to said  
15 Company's land; thence on a line curving to the  
16 south to the Boston and Lowell Rail-road, at a point  
17 near the Arch Bridge in the Ledge, the whole dis-  
18 tance being about 1600 feet.

1     SECT. 2. Said Corporation are hereby authorized  
2 to enter with their rail-road upon the Boston and  
3 Lowell Rail-road at a point near the said Arch  
4 Bridge, paying for the right to use the same agreea-  
5 bly to their original charter, and complying with  
6 such rules and regulations as may be established by  
7 said Boston and Lowell Rail-road Corporation, by  
8 virtue of the 5th section of their Act of Incorpora-  
9 tion. *Provided, however,* that it shall be the duty of  
10 said Nashua and Lowell Rail-road Corporation, to  
11 enter said Boston and Lowell Rail-road, by such  
12 proper turnouts or switches as will not unreasonably  
13 incommode the travel upon the said Boston and  
14 Lowell Rail-road, and pay all the expenses incident  
15 to and in consequence of, any alterations necessary  
16 in said Boston and Lowell Rail-road, to enable them  
17 to enter upon it in a proper manner.

1     SECT. 3. The said Nashua and Lowell Rail-road  
2 Corporation shall, with respect to the portion of  
3 rail-road hereby authorized, be subject to all the  
4 duties, liabilities and restrictions, and have all the  
5 powers and privileges, contained in the 39th Chapter  
6 of the Revised Statutes, and other statutes relating  
7 to rail-road corporations.

**4 NASHUA & LOWELL R. R. CORPORATION. [Jan.'46.**

**1   SECT. 4. Nothing contained in this act shall au-  
2   thorize said corporation to erect any pier or other  
3   obstructions in the Patucket Canal, or in any way to  
4   obstruct the safe and convenient use of the Patucket  
5   Canal, in constructing their road over the same.**

## SENATE.....No. 15.

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### Commonwealth of Massachusetts.

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IN SENATE, January 28, 1846.

The Joint Committee on Manufactures, to which was committed the Petition of sundry Corporations at Lowell, praying to be allowed to purchase the Stock of the *Locks and Canals Company* on Merrimack River, and for other powers, have considered the same, and Report the accompanying Bill.

NATH'L B. BORDEN, *Chairman.*

**Commonwealth of Massachusetts.**

In the Year One Thousand Eight Hundred and Forty-Six.

**AN ACT**

To enable the Manufacturing Corporations Established at Lowell in the County of Middlesex, to own and improve the Water Power used by them.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1    SECT. 1. The Merrimack Manufacturing Com-  
2    pany, Hamilton Manufacturing Company, Appleton  
3    Company, Suffolk Manufacturing Company, Tremont  
4    Mills, Lawrence Manufacturing Company, Lowell  
5    Manufacturing Company, Boott Cotton Mills, Mid-  
6    dlesex Company, Massachusetts Cotton Mills, Pres-  
7    cott Manufacturing Company, and the Lowell Ma-  
8    chine Shop are, and each of them is hereby empow-  
9    ered to purchase and hold the capital stock of the  
10   Proprietors of Locks and Canals on Merrimack Riv-  
11   er, in such amounts as the said Corporations, or each

12 of them shall think fit. But nothing herein contain-  
13 ed shall, in any way, affect the duties and obligations  
14 of the said Proprietors of Locks and Canals on Mer-  
15 rimack River.

1     SECT. 2. Each of the said Manufacturing Corpo-  
2 rations may, at all corporate meetings of the said  
3 Proprietors of the Locks and Canals on Merrimack  
4 River, by their agent, duly appointed for such pur-  
5 pose, cast as many votes as such Corporation shall  
6 own shares of the capital stock of the said Proprie-  
7 tors, and all officers of the said Proprietors of the  
8 Locks and Canals, may be stockholders in that Cor-  
9 poration or otherwise, as shall be thought best by  
10 the stockholders of such last named Corporation.

1     SECT. 3. The consent of this Commonwealth is  
2 hereby given, that the said Manufacturing Corpora-  
3 tions, and each of them, may expend such sums as  
4 to them, and each of them, may seem proper, in  
5 improving the water power of the said River, and  
6 that, for this purpose, the said Corporations, and each  
7 of them, may acquire by purchase, and hold such  
8 real and personal property in the State of New  
9 Hampshire, as the said State may hereafter author-  
10 ize and empower them, and each of them, to acquire  
11 and hold.



## SENATE.....No. 16.

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### **Commonwealth of Massachusetts.**

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IN SENATE, Jan. 16, 1846.

*Ordered*, That Messrs. Stone and Wheatland be a Committee, with such as the House may join, to consider and report on the expediency of so altering the Constitution of this Commonwealth, as that, in the year 1848, and every fourth year thereafter, the Governor, Lieut. Governor, Senators and Representatives, shall be chosen on the day designated by a law of the United States, for the choice of Electors of President and Vice President.

Sent down for concurrence.

CHAS. CALHOUN, *Clerk*.

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HOUSE OF REPRESENTATIVES, Jan. 16, 1846.

Concurred, and Messrs. Maynard, of Westboro', Marsh, of Springfield, Brackett, of Woburn, Mears, of Boston, and Parsons, of Sandisfield, are joined.

C. W. STOREY, *Clerk*.



## **Commonwealth of Massachusetts.**

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The Committee to whom was referred an order to inquire into the expediency of amending the Constitution of this Commonwealth, so that in 1848, and every fourth year thereafter, the Governor, Lieutenant Governor, Senators and Representatives, may be chosen on the day designated by an act of Congress, passed January 23d, 1845, for the choice of Electors of President and Vice President, have attended to the duty assigned them, and make the following

### **R E P O R T :**

The evils which grew out of the practice of choosing Electors of President and Vice President in the several States, on different days, had become so great, that the first act passed by the 28th Congress at their second session, held immediately after the presidential election of 1844, was an act, in accordance with a provision in the Constitution of the United States, to designate and establish a particular day on which the voters throughout the whole Union should give in their votes for electors. These evils consisted, partly in the practice of transporting voters from one State to another, so that, in the choice of electors, they might vote in both, and partly in the systematic falsehoods perpetrated in relation to the results of those elections, and in the scarcely less vicious practice of excessive betting on those results.

Considering the nature and the extent of the evils which led to the passage of the above named act, and the great unanimity with which it was supported, the strongest probability exists that the act itself will remain unaltered. The day designated

by Congress, was the Tuesday next after the first Monday in November. This is the day on which the annual elections are held in the States of New York and New Jersey, and as the former State is the most populous in the Union, it was probably in compliment to her that the above named day was selected.

Believing in the permanence of this law, your Committee have considered the effects which would, in this Commonwealth, result from its passage. Electors of President being chosen but once in four years, it is plain that, in the three intervening years, the law in question would have no effect whatever. And the day on which our State officers are now chosen, having been recently adopted, after much consideration, had better, in these intervening years, remain unchanged. But in those years in which electors of President are chosen, some new provision seems to be desirable. The day appointed by our State Constitution on which to hold the meetings for the choice of Governor, is, as all will recollect, the second Monday of November. The day, designated by the act of Congress for choosing electors, is the Tuesday next after the first Monday in November; and it follows that the choice of electors will always occur six days prior to the time now appointed for holding the annual elections in this State.

Heretofore, it has been the custom, in this State, to vote for electors on the same day and at the same meeting in which the votes were cast for Governor, and all our past experience has gone to prove that the business of choosing our State officers and electors can just as well be accomplished in one day as in more.

With the people of Massachusetts, and, indeed, of all the Eastern States, it is emphatically true that "time is money." Should the next presidential election be as warmly contested as the two last have been, it is probable that Massachusetts, in 1848, will poll as many as 150,000 votes. In the cities and populous villages, many of the voters can deposit their ballots in the ballot box without much loss of time. But throughout the interior of the Commonwealth, in a great majority of cases, the going to town meeting is the work of the day, and, to a con-

siderable extent, it is so everywhere. In addition to this, we ought to take into the account the laborious duties discharged on every day of a general election by as many as 1500 town and city officers throughout the Commonwealth.

If the number of voters in 1848 be not over-estimated at 150,000, and we consider the loss of time to each voter to be on an average equal to 50 cents, we shall have a loss to the industrial interests of the Commonwealth, equal to the annual State tax, occasioned by the attending one supernumerary election.

Your Committee would not be understood to disapprove the present frequency of elections. The annual deposit of votes in the ballot box, serves as a kind of safety-valve to admit the escape of the steam of public excitement; but your Committee also believe that the use of too many safety-valves would seriously injure the working of the engine.

Let us suppose that the people of this Commonwealth adhere to the times for holding elections, as now established, and give in their votes for electors only, on the day appointed by the act of Congress, and suppose that the returns of the votes thus given, are collected and published with a celerity which has repeatedly excited the surprise and the gratitude of the people of this State, and the undissembled wonder of the people of every other; and it should be found as has heretofore been the case, that the two great political parties in this Commonwealth were nearly balanced; the intervening time till the choice of State officers on the second Monday of said month, would undoubtedly be marked by an intensity of electioneering effort, which even the peaceable and orderly citizens of Massachusetts might not engage in quietly. What has been stated above as a supposition, must appear to every one who reflects on our past history, as a course of events whose occurrence would be quite probable.

Your Committee would therefore recommend that the Constitution of this Commonwealth be so amended, that the choice of State officers and electors may take place on the same day, as has been the case heretofore.

By adopting this recommendation, no principle of our Constitution will be altered, our former usages will be retained, no

considerable expense will be likely to be incurred, and time enough will elapse before such an amendment will go into operation, for the amendment to go through the required forms in the Legislature, and be submitted to the people at their annual meetings in March or April, without any necessity of calling special meetings for that purpose.

By order of the Committee,

JOSEPH STONE, *Chairman.*

ARTICLE OF AMENDMENT.

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In the year 1848, and every fourth year thereafter, the meetings for the choice of Governor, Lieutenant Governor, Senators and Representatives, shall be holden on the Tuesday next after the first Monday in November, so long as said day shall continue to be established by a law of the United States, as the day on which the choice of Electors of President and Vice President shall be made.

All the other provisions of this Constitution, respecting the elections and proceedings of the members of the General Court or any other officers and persons whatsoever, that have reference to the second Monday of November, shall be so far altered, as to have like reference to the elections to be held on the Tuesday next after the first Monday in November, in accordance with the foregoing provisions of this amendment.

All the provisions of the existing Constitution inconsistent with the provisions herein contained, are hereby wholly annulled.





## SENATE....No. 17.

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### Commonwealth of Massachusetts.

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IN SENATE, Jan. 28, 1846.

The Joint Committee on Railways and Canals, to which was committed the Petition of Thomas Robinson and others, praying for leave to construct a Rail-road from North Adams to the line of the State of Vermont, report the accompany bill.

THOS. HOPKINSON, *Chairman.*

●



**Commonwealth of Massachusetts.**

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In the Year One Thousand Eight Hundred and Forty-Six.

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**AN ACT**

To Establish the Adams and Bennington Rail-road Corporation.

*BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*

1   SECT. 1. Thomas Robinson, Wm. E. Brayton and  
2 John A. Brown, their associates and successors, are  
3 hereby made a Corporation, by the name of the Ad-  
4 ams and Bennington Rail-road Corporation, with all  
5 the powers and privileges, and subject to all the du-  
6 ties, liabilities and restrictions, contained in the for-  
7 ty-fourth chapter of the Revised Statutes, and in that  
8 part of the thirty-ninth chapter of said Statutes,  
9 which relates to Rail-road Corporations, and in the  
10 public Statutes subsequently passed, relating to such  
11 Corporations.

1   SECT. 2. Said Corporation is hereby authorized  
2 to locate, construct and maintain a rail-road, with  
3 one or more tracts, from the northern termination of  
4 the Pittsfield and North Adams Rail-road, in the  
5 town of Adams, to the line of the State of Vermont,  
6 in the direction toward Bennington, in said State,  
7 passing from said Pittsfield and North Adams Rail-  
8 road, northwesterly and northerly, along or near the  
9 valley of the Hoosuc River, near the Centreville  
10 Factory, in said Adams, and in the most convenient  
11 and suitable direction through a part of the town of  
12 Williamstown, to the line of the State of Vermont,  
13 at a convenient point, to unite the same with the  
14 Western Vermont Rail-road, to be constructed from  
15 said State line through Bennington to Rutland, in  
16 said State.

1   SECT. 3. The capital stock of said Corporation  
2 shall consist of not more than two thousand shares,  
3 the number of which shall be determined, from time  
4 to time, by the directors thereof, and no assessment  
5 shall be laid thereon of a greater amount in the  
6 whole than one hundred dollars on each share.

1   SECT. 4. If the location of said rail-road be not  
2 filed, according to law, within three years from the  
3 first day of April next, or if the said rail-road shall  
4 not be completed within four years from said first  
5 day of April, this act shall be void.

1   SECT. 5. The said Corporation may unite the  
2 track of their road, by proper turnouts and switches,  
3 with the track of the said Pittsfield and North Ad-

4 ams Rail-road, at or near their station, in said North  
 5 Adams, paying all the expenses of such union ; *pro-*  
 6 *vided* the same shall be at a place and in a manner  
 7 not to obstruct the convenient and beneficial use of  
 8 said Pittsfield and North Adams Rail-road, or to in-  
 9 terfere with any of their buildings or fixtures.

1    SECT. 6.    The Legislature may authorize any oth-  
 2 er Rail-road Corporation, at their own expense, to  
 3 unite the tracks of another rail-road with the tracks  
 4 of said Adams and Bennington Rail-road, at any  
 5 point thereof, by proper turnouts and switches, *pro-*  
 6 *vided* the same shall not obstruct the convenient and  
 7 beneficial use of said Adams and Bennington Rail-  
 8 road, or interfere with any of their buildings or fix-  
 9 tures.

1    SECT. 7.    The Legislature may, after the expira-  
 2 tion of five years from the time when the said rail-  
 3 road shall be opened for use, from time to time,  
 4 reduce the rates of fare, or other profits, upon that  
 5 part of said rail-road within this State ; but the same  
 6 shall not be so reduced, without the consent of said  
 7 Corporation, as to produce with said profits less than  
 8 ten per cent. per annum.

1    SECT. 8.    The said Corporation may transfer their  
 2 rights, privileges, franchises and property under this  
 3 charter, to the said Pittsfield and North Adams Rail-  
 4 road Corporation, which Corporation are authorized  
 5 to receive and hold the same, whenever the stock-  
 6 holders in the said corporations shall determine at a  
 7 legal meeting called by them respectively for such

8 purpose; and in that case the capital stock of the  
9 said Pittsfield and North Adams Rail-road Corpora-  
10 tion may be increased to an amount not exceeding  
11 the sum of the joint capital of both Corporations.

1   SECT. 9. The said Adams and Bennington Rail-  
2 road Corporation, or the said Pittsfield and North  
3 Adams Rail-road Corporation, after the transfer  
4 made as provided in the preceding section, may unite  
5 with the Western Vermont Rail-road Company, a  
6 Corporation created by the Legislature of the State  
7 of Vermont for the construction of the whole or a  
8 part of a rail-road from the south line of said State of  
9 Vermont to the town of Rutland in said State, by  
10 votes of the stockholders of both Corporations, and  
11 when the said Corporations shall be so united the  
12 stockholders of one Corporation shall become stock-  
13 holders in the other, and the said two companies  
14 shall constitute one Corporation, under the name of  
15 the Western Vermont and Massachusetts Rail-road  
16 Company, with a capital not exceeding the amount  
17 of the joint capital of both Corporations; and all  
18 the franchises, rights, powers, privileges, and pro-  
19 perty granted to, or held by, either of said Corpo-  
20 rations, under the authority of said States respec-  
21 tively, shall be held and enjoyed by all the said  
22 stockholders in proportion to the amount of property  
23 or interest held by them in either or both of said  
24 Corporations.

1   SECT. 10. After said union, one or more of the  
2 directors or other officers of said new Corporation,  
3 shall at all times be a resident in this State, on whom

4 processes against said company, and notices to the  
5 same, may be legally served ; and said Corporation  
6 shall be held to answer within the jurisdiction where  
7 the service is made and the process is returnable.

1     SECT. 11. The said Corporation shall keep sepa-  
2 rate accounts of their expenditures in each State,  
3 and two commissioners shall be appointed, one by  
4 the Governor of each State, to hold their offices for  
5 the term of four years, and to be reasonably com-  
6 pensated by said Corporation, who shall decide  
7 what proportion of all the expenditures of said Cor-  
8 poration, and of their receipts and profits properly  
9 pertain to that part of the road lying in each State  
10 respectively ; and their certificate thereof shall be  
11 annexed to the annual report required to be made to  
12 the Legislature of this State ; and said annual report  
13 shall be approved by said Commissioners.

1     SECT. 12. Said Corporation, and the stockholders  
2 therein, so far as their road shall be situated in this  
3 State, shall be subject to all the duties and liabilities  
4 of the Adams and Bennington Rail-road Corpora-  
5 tion, created by the provisions of this act, and the  
6 laws of this State, to the same extent that the said  
7 Adams and Bennington Rail-road Corporation would  
8 have been liable, if no union had taken place.





# SENATE.....No. 18.

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## Commonwealth of Massachusetts.

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IN SENATE, Jan. 30, 1846.

The Joint Committee on Railways and Canals, to which was committed the Petition of the Providence and Worcester Railroad Company, praying for an alteration in their charter, report the accompanying Bill.

THOS. HOPKINSON, *Chairman.*



## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Six:

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### AN ACT

Relating to the Providence and Worcester Rail-road Company.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1   SECT. 1   The Providence and Worcester Rail-  
2 road Company, a corporation established by the  
3 General Court of this Commonwealth, by an act  
4 passed the twelfth day of March, in the year one  
5 thousand eight hundred and forty-four, and the Prov-  
6 idence and Worcester Rail-road Company, a corpo-  
7 ration established by the General Assembly of the  
8 State of Rhode Island and Providence Plantations,  
9 at its May session, in the year one thousand eight  
10 hundred and forty-four, having been united according  
11 to the provisions of their respective charters, and

12 constituting one corporation, by the name of the  
13 Providence and Worcester Rail-road Company; from  
14 and after the acceptance of this act, as herein after  
15 provided, at all meetings of said united corporation,  
16 each stockholder shall be entitled to one vote for  
17 every share of the capital stock of said company  
18 owned by him not exceeding fifty shares, and one  
19 vote for every twenty shares more than fifty owned  
20 by him ; *provided*, that no stockholder shall be enti-  
21 tled to vote upon more than one fourth part of the  
22 whole number of shares of the capital stock of said  
23 company ; and no stockholder shall be entitled to a  
24 greater proportion of votes than is herein provided,  
25 anything in the act establishing the Providence and  
26 Worcester Rail-road Company, passed by the Gen-  
27 eral Court of this Commonwealth, on the twelfth  
28 day of March, in the year one thousand eight hun-  
29 dred and forty-four, to the contrary notwithstanding.

1   SECT. 2. The time within which said corpora-  
2 tion shall complete their rail-road within this Com-  
3 monwealth, is hereby extended to the twelfth day of  
4 March, in the year one thousand eight hundred and  
5 forty-eight.

1   SECT. 3. This act shall take effect on the day,  
2 and not before, when the same shall be accepted by  
3 said united corporation, at a meeting duly called for  
4 that purpose.



## SENATE.....No. 19.

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### Commonwealth of Massachusetts.

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SECRETARY'S OFFICE, BOSTON, Feb. 4th, 1846.

*To the President of the Senate :*

SIR,—In compliance with the provisions of the Act of 1836, Chap. 241, I have the honor to transmit to you, to be laid before the Legislature, an Abstract of such Returns of the Registers of Deeds in this Commonwealth, for the year 1845, as have been made to this office. From the District of Middlesex and the northern District of Berkshire, no returns have been received. The number of deeds and of other instruments recorded in the District of Worcester, the northern District of Bristol, and the southern District of Berkshire, are embraced in one sum and placed in one column, by the registers of those districts. And the same disposition is made of the amount of fees in those districts, no distinction being made between the amount of fees received for recording deeds and other instruments. The returns from Berkshire south District and the District of Dukes County were not received within the time prescribed by law.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN G. PALFREY.

ABSTRACT OF THE RETURNS of the Registers of Deeds in the several Counties of the Commonwealth, for the year 1845.

COUNTIES.	NAMES OF THE REGISTRARS.	No. of Deeds recorded.	No. of oth- er Instru- ments.	Amount of Fees received for oth- er Deeds.	Amount of Fees received for oth- er Instruments.	No. of legal pages cover'd	Exp'ise of Office above what is paid by County.
Suffolk,	Henry Aline,	3,440	4,588	\$3,153 33	\$4,020 50	25,142	\$4,560 80
Essex,	R. H. French,	4,805	591	2,263 00	198 56	17,640	947 00
Middlesex,	No Return,	.	.	.	.	.	.
Worcester,	Artemas Ward,	7,875	.	2,835 50	.	21,866	1,900 00
Hampshire,	Giles C. Kellogg,	1,713	210	758 84	59 61½	5,280	200 00
Hampden,	William Rice,	2,453	246	1,079 32	108 24	8,154	500 00
Franklin,	Almon Brainerd,	1,655	330	651 57	65 17	4,894	265 00
Berkshire, North District,	No Return.	.	.	.	.	.	.
" South "	Samuel Newman,	743	.	330 44	.	2,170	.
" Middle "	Joseph Tucker,	830	123	415 66	23 22	2,989	40 00
Norfolk,	Enos Ford,	3,880	200	1,550 00	74 00	10,100	900 00
Bristol, North District,	Joseph Wilbar,	1,914	.	871 19	.	5,810	50 00
" South "	Benj. T. Congdon,	1,139	18	424 89	9 41	2,855	.
Plymouth,	Roland E. Cowen,	1,620	491	657 00	245 71	5,207	801 00
Barnstable,	Lothrop Davis,	1,175	36	421 71	31 73	2,762	.
Dukes County,	Josiah H. Smith,	280	22	124 95	5 50	841	.
Nantucket,	Asa G. Bunker,	459	12	229 00	7 00	909	.
		34,001	6,967	\$15,772 40	\$4,827 65½	116,599	\$9,663 80





## **SENATE....No. 20.**

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### **Commonwealth of Massachusetts.**

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**IN SENATE, February 4, 1846.**

**The Committee on Mercantile Affairs and Insurance, to which was committed the Petition of Joseph Ballister and others, praying for an Act of Incorporation to build a Hotel in the town of Princeton, have directed me to report the accompanying Bill.**

**DENNIS CONDRY,**  
**Per order of the Committee.**



## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Six.

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### AN ACT

To incorporate the Wachusett House Company.

*BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*

1    **SECT. 1.** Joseph Ballister, Charles Russell, New-  
2    ton Carpenter, Charles T. Russell, their associates  
3    and successors, are hereby made a Corporation, by  
4    the name of the Wachusett House Company, for the  
5    purpose of erecting and maintaining a Hotel, and the  
6    buildings and improvements connected therewith, on  
7    some convenient site in the town of Princeton ; and  
8    for these purposes shall have all the powers and priv-  
9    ileges, and be subject to all the duties, restrictions  
10   and liabilities, set forth in the thirty-eighth and forty-  
11   fourth chapters of the Revised Statutes ; *provided*,  
12   *however*, that the said Corporation shall not carry  
13   on the business of Hotel keeping ; and *provided*

14 *further*, that said Corporation shall insert, in all leases  
15 of their said Hotel, a clause prohibiting the sale of  
16 intoxicating drinks therein, contrary to the provi-  
17 sions of law.

1   SECT. 2.   The whole amount of real and personal  
2 estate or capital stock, which said Corporation may  
3 hold, shall not exceed the sum of fifty thousand  
4 dollars.

1   SECT. 3.   This Act shall take effect from and after  
2 its passage.



**SENATE.....**

**.....No. 21.**

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**ANNUAL REPORTS**

**OF THE**

**RAIL-ROAD CORPORATIONS**

**IN THE**

**STATE OF MASSACHUSETTS**

**FOR**

**1845.**

---

**Boston:**

**DUTTON AND WENTWORTH, PRINTERS,**

**No. 37, Congress Street.**

**1846.**



## **Commonwealth of Massachusetts.**

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IN SENATE, Feb. 5th, 1846.

The Committee on Railways and Canals, to which have been committed the Annual Reports of the Rail-road Corporations, Report, that Reports have been made by all the Rail-road Corporations in the Commonwealth which are required by law to make them, and they recommend that 1500 copies of said Reports be printed for the use of the Legislature.

THOS. HOPKINSON, *Chairman*.

---

SENATE, Feb. 5, 1846.

Accepted—Sent down for concurrence.

CHAS. CALHOUN, *Clerk*.

---

HOUSE OF REPRESENTATIVES, Feb. 6, 1846.

Concurred.

C. W. STOREY, *Clerk*.

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SEVENTH ANNUAL REPORT  
OF THE  
BERKSHIRE RAIL-ROAD .  
CORPORATION.

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*To the Hon. Senate and House of Representatives of the Commonwealth  
of Massachusetts, in General Court assembled :—*

THE Directors of the Berkshire Rail-road Company beg leave to submit their Seventh Annual Report, of their acts and doings, receipts and expenditures, during the year ending December 31st, 1845.

On the first Monday of January, 1845, being the day of their annual meeting, the stockholders chose five directors, and the directors appointed a treasurer and clerk.

The terms of the contract of transportation between this corporation and the Housatonic Rail-road Company, a copy of which was annexed to their fourth annual report, have been strictly complied with in all respects, particularly the payment of the seven per cent. on their capital stock of . . . . . \$250,000 00  
Amounting to the sum of . . . . . 17,500 00

On October 13th, 1845, the stockholders passed a resolve authorizing the sale of their own stock, then held and pledged for the payment of the debt of the company, incurred principally in the construction of their road, and from that source the treasury has realized the sum of \$46,033 74

Making the whole receipts for the year 1845, . . . . . 64,033 74

These sums have been applied to the payment of the debt ; and that debt, at this time, is very nearly extinguished. As soon as the small balance of indebtedness is discharged, the annual income above stated will be again applied to the payment of dividends, either quarterly or semi-annually, as may be deemed best by the directors.



On the same day (October 13th, 1845) a further resolved passed, as follows :—

*“ Resolved, A majority of the stockholders in interest being present and voting therefor, that this company will increase their capital stock to an amount not exceeding two hundred fifty thousand dollars, within the discretion of the officers of this company, for the purposes following, to wit : to relay our road with a heavy iron rail, of the same pattern and weight with that to be used by the Housatonic Rail-road Company in relaying their road ; to improve the depot houses and water stations on the road ; to relay the West Stockbridge Rail-road with iron similar to that to be used on our road ; to build a branch to Stockbridge Iron Works, if the directors shall deem it advisable, with the assent of the Housatonic Rail-road Company, upon the following conditions, to wit : that the Housatonic Rail-road Company shall enter into a contract with this company to pay a rent of seven per cent. upon the increased capital, upon the same terms with their present contract.”*

Under this resolution, a committee from the board of directors, together with the treasurer of this company, met a committee of the Housatonic Company at New York, on the 18th day of December last, both committees being fully authorized therefor ; and concluded a contract for the objects and purposes contemplated in the foregoing resolution. A copy of this contract, the Directors now annex and submit to the consideration of the Legislature.

We also annex a copy of the contract made between the corporation and the West Stockbridge Rail-road Corporation, giving this company a right to run over their road, and to relay the same with a new rail, should this company think best. This contract should have accompanied the last annual report of this company, but was then in the hands of one of the agents of the Housatonic Rail-road Company, and not filed in season with the officers of this company to enable them to annex it.

The number of miles run over this road between December 31, 1844, and the same day of December, 1845, (inclusive of the latter day,) by the passenger and merchandise trains, is as follows :—

Passenger trains,	.	.	.	13,240 miles.
Merchandise trains,	.	.	.	14,322 “
Extra engines to aid passenger and other trains,				1,062 “
Gravel and wood trains,	.	.	.	715 “
Whole number of miles,	.	.	.	<u>29,359</u> “

Whole number of passengers passed over the road, or parts of it,  
within the same time, is . . . . . 11,961½

All which is respectfully submitted,

R. F. BARNARD,  
C. W. HOPKINS,  
LORING G. ROBBINS,  
I. SUMNER,  
*Directors.*

*January, 1846.*

---

BERKSHIRE, ss. *G. Barrington, January 5th, 1846.* Then personally appeared R. F. Barnard, I. Sumner, Charles W. Hopkins, L. G. Robbins, and made oath that the above report, by them signed, is true, according to their best knowledge and belief.

Before me,

EDWARD F. ENSIGN,  
*Justice of the Peace.*

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Articles of Agreement made the 18th day of December, 1845, by and between the Housatonic Rail-road Company, a corporation established in the State of Connecticut, on the one part, and the Berkshire Rail-road Company, a corporation established in the Commonwealth of Massachusetts, of the other part, in addition to articles of agreement, made between said companies, on January 11th, 1843, and which may be referred to, in reference to the objects hereof, witnesseth :

Whereas, said Housatonic Rail-road Company is about to relay its own road with a heavy iron or H rail, and is desirous that the connecting road of the said Berkshire Rail-road Company be of uniform superstructure ; and whereas, the Berkshire Rail-road Company, by virtue of an agreement made February 6th, 1844, has a right to relay the track of the West Stockbridge Rail-road with a heavy, permanent iron rail ; and whereas, in said agreement of the date last aforesaid made between said Berkshire Rail-road Company with the West Stockbridge Rail-road Corporation, certain rights are secured to said Housatonic Rail-road Company, reference to said agreement for particulars being had.

And whereas, authority has been given by the Legislature of Massa-

chusetts to said Berkshire Rail-road Company to build a certain branch of said Berkshire road, which said Berkshire Company agree that said Housatonic Rail-road Company may be at the expense of building, and when built, may operate the same as part of said Berkshire Rail-road, if said Housatonic Rail-road Company shall so choose; and whereas, to effect the objects above indicated, and to enable the Housatonic Rail-road Company to accomplish the same, the Berkshire Rail-road Company, on October 13th, 1845, resolved that said company will increase its capital stock to an amount not exceeding \$250,000, within the discretion of the officers of said company, to relay said Berkshire road with a heavy iron rail of the same pattern and weight with that used by the Housatonic Rail-road Company in relaying its road; to improve the depot houses and water stations on the road, to relay said West Stockbridge Rail-road with iron similar to that used on the Berkshire road, and to build a branch to the Stockbridge Iron Works, if deemed by the directors advisable, with the assent of the Housatonic Rail-road Company; now, therefore, it is agreed by and between said Housatonic Rail-road Company, by William P. Burrall, Robert Schuyler and John Bryant, Jr., a committee specially authorized for that purpose, on the one part, and said Berkshire Rail-road Company, by Robert F. Barnard, Edward F. Ensign, Increase Sumner and Charles W. Hopkins, a committee specially authorized for that purpose of the other part, that said Berkshire Rail-road Company will issue and deliver to the treasurer of the Housatonic Rail-road Company, the whole of said increased capital stock of said company, or so much thereof, as said Housatonic Rail-road Company shall choose to demand and receive, and at any time when its treasurer shall make application in writing therefor, and said Housatonic Rail-road Company hereby covenants and agrees, out of the avails of said stock, to relay the whole track of said Berkshire Rail-road, with a heavy iron rail, of the same pattern and weight with that to be used by the Housatonic Company in relaying its road; to improve the depot houses and water stations on said Berkshire road; and also, if said Housatonic Rail-road Company shall deem it expedient to relay as aforesaid, said West Stockbridge Rail-road and build said branch road, and all the enterprises and works aforesaid shall be at the sole risk and expense of said Housatonic Rail-road Company; and said Housatonic Rail-road Company further covenants and agrees to pay said Berkshire Rail-road Company, perpetually during the continuance of the said agreement of the 11th of January, 1843, herein before referred to, seven dollars per share per annum, (said shares being

one hundred dollars each,) on all shares of said capital stock of said Berkshire Rail-road Company, which shall be issued and delivered to said treasurer of said Housatonic Rail-road Company as aforesaid; which said seven dollars per share per annum, shall be payable in monthly instalments, from the date of its issue, and shall be paid on the first Tuesday of each and every month, to the treasurer of Berkshire Rail-road Company, at his office, and shall be taken and considered as additional rent for the use of said Berkshire Rail-road, to be added to the rent stipulated for in the articles of agreement herein before referred to, and to be subject to all the stipulations and conditions referred to, and provided in the said original agreement, regarding right of re-entry for failure of payment and other matters therein stated, and to be treated in every respect as if the amount of rent stipulated in said original agreement were increased by the addition of the sum herein stipulated to be paid; said Housatonic Company also agree to complete the relaying of said Berkshire Rail-road by the 1st day of December, 1847. Said Berkshire Rail-road Company, also, hereby covenant and agree to reserve and set aside the sum of eight thousand dollars, to be invested in the stock of said company, the interest of which shall be perpetually appropriated to the payment of the ordinary expenses of said company, said sum of eight thousand dollars, to be provided out of the present stock or funds of said company, and not to form any change on the new stock to be issued, to said Housatonic Rail-road Company under this agreement. The old track of the Berkshire Rail-road to be at the use and disposal of said Housatonic Rail-road Company, as their property, towards defraying the cost of relaying.

Done in duplicate, sealed with the respective seals of said Companies, and signed in their behalf by their respective Committees.

In presence of	WM. P. BURRALL,	} Committee of Housatonic R. R. Company.
BENJ. S. MASSETT,	ROBERT SCHUYLER,	
Witness to signing, except said Bryant.	JOHN BRYANT, Jr., and Seal.	
WILLIAM P. PERKINS,	R. F. BARNARD,	} Committee of Berkshire Rail- road Comp'y.
Witness for said Bryant,	EDWARD F. ENSIGN,	
	I. SUMNER,	
	C. W. HOPKINS, and Seal.	

I certify the foregoing to be a true copy of the original Contract in my possession.

E. F. ENSIGN, *Clerk.*

This agreement, made this sixth day of February, in the year one thousand eight hundred forty-four, between the West Stockbridge Rail-road Corporation, by Henry W. Taft, Thomas Cone, and Sylvester Spencer, specially authorized thereunto on the one part, and the Berkshire Rail-road Corporation by Robert F. Barnard, Charles W. Hopkins, and Alfred Bishop, specially authorized thereunto, on the other part, witnesseth,

That said Berkshire Rail-road Corporation, being desirous to run the trains from said Berkshire Rail-road to and from the "State line" for the purpose of connecting with the trains of the Western Rail-road Company at that point, the said West Stockbridge Rail-road Corporation doth, in consideration of the stipulations of said Berkshire Rail-road Corporation, hereinafter set forth, covenant and agree to and with said Berkshire Rail-road Corporation, as follows :—

1st. The said Berkshire Rail-road Corporation shall have the right and privilege to run a passenger train, on said West Stockbridge Rail-road, from the village of West Stockbridge to its junction with the Western Rail-road at "State line," once a day each way, in each and every year hereafter during the continuance of said corporations, from the time of the opening of navigation, in the spring, of the Hudson River to Albany, for steamboats, to the time of closing of said navigation, in the fall, of each and every year hereafter as aforesaid.

2d. From the time of the closing of the navigation of the Hudson River, by steam-boats, to Albany, in the fall of each and every year hereafter, to the time of opening of said navigation, so that steamboats shall run to Albany in the ensuing spring, the said Berkshire Rail-road Corporation shall have the sole and exclusive use of the said West Stockbridge Rail-road, its depot buildings, (except the office now occupied by the Hudson and Berkshire Rail-road Company,) the turn-round and fixtures, with liberty to use said rail-road depot buildings and fixtures, for doing their business, both in passengers and freight, without interference or obstructions from the said West Stockbridge Rail-road Corporation, or any person claiming under them.

The said Berkshire Rail-road Corporation, in consideration of the foregoing, doth hereby covenant and agree to and with said West Stockbridge Rail-road Corporation, as follows :—

1st. The said Berkshire Rail-road Corporation will pay to said West Stockbridge Rail-road Corporation, as a compensation for the use of the road as aforesaid, at the rate of fifty dollars per month, for such portion of the time as said company shall have a right to run merely a passenger train over said road as aforesaid ; and at the rate of one

hundred and fifty dollars per month, for such portion of the time as said company shall have the privilege of the sole use of said road, with its depot, buildings and fixtures, (excepting the office,) as aforesaid; said payments to be made, monthly, to the treasurer of said West Stockbridge Rail-road Corporation, at his office, in the village of West Stockbridge, whose receipt shall be a full discharge therefor.

2d. The said West Stockbridge Rail-road shall be kept in suitable repair for running, at the joint expense of the said West Stockbridge and Berkshire Rail-road Companies, during the continuance of this contract, each party paying one moiety of the expense of repairing the same. The manner of making such repairs shall be as follows:—immediately after the opening of navigation of the Hudson River to Albany, in the spring of each year, either party, by its agent or superintendent or president, may give notice to the superintendent or president of the other, fixing a day at least six days distant for meeting at the depot at West Stockbridge, for the purpose of arranging for making repairs for the year then ensuing. Said parties, when met by their agents, shall then each make offers to the other of a sum for which the party offering will agree to keep said road in suitable running condition during the year then ensuing; and after bidding, till the lowest offer is obtained, such lowest offer shall be fixed as the price of such repairs for the ensuing year, to be made by the party making such offer. And a disinterested individual shall then be agreed upon by the parties, or if they cannot agree, each party choose one, and the two thus chosen choose a third, who shall be referees during that year to decide at any time, during that year, when called on, whether said road is in suitable running repair; and if such referee, or referees, shall at any time decide that such road is not in suitable running repair, the party, whose duty it is for that year to make such repairs, shall forthwith proceed to make such repairs, to the satisfaction of said referee, or referees, and shall be liable for all damages that may accrue to the other party through his neglect so to do. It is further agreed, that either party may, at any time, during the continuance of this contract, relay the track of said West Stockbridge Rail-road, with a heavy, permanent iron rail; and, in such case, the party so doing shall thereafter have the right to keep said road in repair during the remainder of the term, and the other party shall pay, as its half of the expense of repairs, annually, one half of the sum which the cost of repairs of said road shall have averaged per year, from the time of the commencement of this contract to the time of such relaying of said track.

Said Berkshire Rail-road Corporation doth further agree, that the charge for transportation of passengers or freight, during the continuance of this contract, shall be the same in either direction, between West Stockbridge and any way station on said Berkshire Rail-road, and shall not exceed the charges for passengers, or for similar freight, from the same station for the same distance south. And the said West Stockbridge Rail-road Corporation doth also agree, that the charges for freight and passengers on said West Stockbridge Rail-road shall be the same in either direction, and that the charges for freight shall not exceed the rate charged per mile for similar freight, for the same distance, on said Berkshire Rail-road, during the period of navigation of the Hudson River.

It is further agreed, that if said West Stockbridge Rail-road Company shall choose to run trains over their road, during that portion of any year in which, by the terms of this agreement, said Berkshire Rail-road Company would be entitled to the exclusive possession of the same, they shall have the right so to do, but in such case they shall at all times have a clear track for the regular trains of the said Berkshire Rail-road Company; and said Berkshire Company, during the time said West Stockbridge Company shall so run, shall be liable to pay only at the rate of seventy-five dollars per month for the use of said road.

And said Berkshire Rail-road Company do agree to furnish such a turnout at "State line" as their convenience may require.

And said West Stockbridge Company do agree to leave the depot, at "State line," in five minutes after the morning train of the Western Rail-road from Albany shall leave the depot for the east, and leave a clear track, the whole length of the West Stockbridge Rail-road to its junction with the Berkshire Rail-road, in fifteen minutes after leaving the "State line:" *provided, however*, that if the Western Rail-road train shall arrive at "State line" from Albany, and leave their passengers, and the train of the West Stockbridge Company is not in sight, then the Berkshire Company may take the main track and run directly to West Stockbridge. And the West Stockbridge Company do agree, that the afternoon train over the Berkshire road shall have a clear track from West Stockbridge to "State line," so as to connect with the evening train on the Western Rail-road from Boston to Albany.

It is further agreed, between the parties, that if said West Stockbridge Rail-road Corporation choose to lease perpetually, to said Berkshire Rail-road Corporation, the whole of said West Stockbridge Rail-

road, with its depot buildings and fixtures, to the sole and exclusive use of said Berkshire Rail-road Corporation, then the Berkshire Rail-road Corporation shall be bound to accept such lease, and thereafter keep said road, buildings and fixtures in suitable repair, and to pay an annual rent for the use thereof at the rate of eighteen hundred dollars per year, and this contract shall thereupon terminate.

And if, at any time during the continuance of this contract, said West Stockbridge Rail-road Corporation shall desire to sell said rail-road, with its depot buildings and fixtures, they shall offer the same to said Berkshire Rail-road Corporation at the sum of thirty thousand dollars, and said Berkshire Rail-road Corporation shall elect, within three months after said offer, whether they will purchase or not, and give notice to said West Stockbridge Company of their election.

If they elect not to purchase, then said West Stockbridge Company shall be at liberty to sell said road, buildings and fixtures to any other person or company; but said Berkshire Company are to continue in the possession and enjoyment of all the rights and privileges given them by this contract, till the opening of the navigation of the Hudson River, in the spring next after the said West Stockbridge Rail-road Company shall have made a bona fide sale of said road, buildings and fixtures, and no longer.

If said Berkshire Rail-road Corporation elect to purchase said road, buildings and fixtures, and so give notice within three months as aforesaid, then this contract is not to terminate, nor possession under it to be changed till the opening of navigation of the Hudson River in the spring next after the expiration of six months from the time the West Stockbridge Company shall have given notice of their intention to sell as aforesaid, at which time of opening of navigation last above mentioned, said Berkshire Rail-road Corporation shall take possession of said property under said purchase, receive proper conveyance thereof if not previously given, and give proper obligations for the payment of said sum of thirty thousand dollars in three instalments of ten thousand dollars each, payable at one, two and three years from that date with interest; and it is understood that the property contemplated in the above sale includes the depot ground commonly used around the depot at West Stockbridge, with the engine house and turn-round.

And it is further understood and agreed between the parties, that if the Berkshire Rail-road Corporation shall fail to make any payment to the West Stockbridge Rail-road Corporation, which by the terms of this



contract they are required to make for more than thirty days after the same shall become due and payable, then the said West Stockbridge Corporation shall have a right to terminate this contract; and it is further agreed between the parties hereto, that the party making the repairs of the road in the manner provided in this contract, shall receive from the other party each year, one half the amount for which the same is to be repaired, in four equal quarter yearly payments, to be made at the depot in West Stockbridge, to the treasurer or agent of the party receiving the same.

And it is further agreed, in modification of the foregoing stipulations respecting the occupation of the buildings and depot ground, that the West Stockbridge Rail-road Corporation do hereby reserve the right to use and occupy one half the rag-house, the east platform in the main depot, and the ground commonly heretofore used by the Hudson and Berkshire Rail-road Company for piling wood and iron, exclusively, during the closing of navigation of the Hudson River, for each and every year hereafter, during the continuance of this contract, and the sole use of the engine house while they shall run trains over said West Stockbridge Rail-road; and the said Berkshire Rail-road Corporation shall have the use and occupation of the office now occupied by the Housatonic Rail-road Company, and of one third of the rag-house for that portion of the year when the navigation of the Hudson River is open to Albany, during the continuance of this contract, and shall erect a building between the main depot and their track, sufficient to accommodate as much freight as the west platform in said depot.

And the said Berkshire Rail-road Corporation doth covenant and agree to and with the said West Stockbridge Rail-road Corporation, that they will defend the said West Stockbridge Rail-road Corporation against any action or indictment which may be brought against said West Stockbridge Corporation in consequence of any fault or neglect of the said Berkshire Rail-road Corporation, its servants or assigns, whether said action is brought at common law or under any statute of the Commonwealth of Massachusetts, and to indemnify the said West Stockbridge Corporation against all damages which shall accrue to them by reason of said action or indictment, except the said action or indictment shall arise in consequence of the neglect of the said West Stockbridge Corporation to fulfil the agreements by them made in this contract.

It is understood, by the parties to this contract, that the Berkshire Rail-road is leased by perpetual lease to the Housatonic Rail-road

Company, and that the trains now run upon said Berkshire Rail-road are run in fact by the managers of the Housatonic Rail-road under said lease; and it is expected, by the parties to this contract, that said managers of the Housatonic Rail-road, or said Housatonic Rail-road Company, will continue to occupy and use said Berkshire Rail-road under said lease so long as they fulfil the conditions thereof, and that while so running, they are to enjoy all the rights and privileges and be subject to all the restrictions herein given to or imposed on said Berkshire Rail-road Company, as representing the said Berkshire Rail-road Company, for the time being, under this contract.

In testimony whereof unto this instrument in duplicate, the said West Stockbridge Rail-road Corporation have caused the said Henry W. Taft, Thomas Cone and Sylvester Spencer, to subscribe their names and affix the seal of said corporation, and the said Berkshire Rail-road Corporation have caused the said Robert F. Barnard, Charles W. Hopkins, and Alfred Bishop, to subscribe their names and affix the seal of the corporation, the day and year first above written.

Signed, sealed and delivered

in the presence of

GEORGE W. PALMER,

JNO. J. KELLOGG, to three first.

HENRY W. TAFT,

THOMAS CONE,

SYLVESTER SPENCER. } and Seal.

E. F. ENSIGN, Witness  
to signature of Barnard, Hop-  
kins and Bishop.

R. F. BARNARD, } *Berkshire*  
C. W. HOPKINS, } *Rail-road*  
A. BISHOP, } *Committee.*

The foregoing contract having been made and executed by the Berkshire Rail-road Company at the special request and for the use and benefit of the Housatonic Rail-road Company as within specified, the said Housatonic Rail-road Company by W. P. Burrell, A. Bishop and R. B. Mason, a committee specially authorized thereunto, doth hereby assent to and assume all the conditions and stipulations in said contract assumed by said Berkshire Rail-road Company, and doth hereby agree to abide by and fulfil the same so long as said Housatonic Rail-road Company shall be in possession and use of said Berkshire Rail-road, under the contract of lease now existing between said Housatonic and Berkshire Rail-road Companies.

Housatonic Rail-road Company by the undersigned Committee appointed for that purpose.

W. P. BURRELL,  
A. BISHOP,  
R. B. MASON.

*Bridgeport, February 8th, 1844.*

The managers of the Housatonic Rail-road being now in the actual use of the Berkshire Rail-road as representatives and under the authority of the Housatonic Rail-road Company, by virtue of the mortgage given them by said Housatonic Rail-road Company, conveying the lease of said Berkshire Rail-road with the other property of said company, do hereby assent and agree to the conditions and stipulations contained in the foregoing contract, and to abide by the same so long as they shall be in the possession and use of said Berkshire Rail-road under said mortgage.

The managers of the Housatonic Rail-road by the undersigned specially appointed for that purpose.

A. BISHOP, *President.*

*Bridgeport, February 7th, 1844.*

---

I certify the foregoing to be a true copy of the original Contract with the indorsements thereon in my possession.

E. F. ENSIGN,

*Clerk of Berkshire R. R. Company.*

FIFTEENTH ANNUAL REPORT  
OF THE  
BOSTON AND LOWELL RAIL-ROAD  
CORPORATION.

*To the Honorable the Legislature of the Commonwealth of Massachusetts;*

The Directors of the Boston and Lowell Rail-road Corporation, hereby make their Fifteenth Annual Report of their acts and doings, receipts and expenditures, under their act of incorporation.

The total amount of capital paid in, is . . . \$1,800,000 00

The amount expended during the past year, exclusive of the amount spent and charged to the cost of the road is, viz :—

For repairs of road (including repairs of bridges, and \$20,179 38 for taking up and relaying, with new superstructure, two miles of track,) . . . . .	\$42,018 41
For repairs of engines and cars, (including \$21,747 00, paid for two new engines, two new passenger cars and twenty-one new merchandise cars, . . . . .	40,512 08
For fuel, oil, salaries, wages, loading merchandise and all other miscellaneous expenses, . . . . .	92,511 54
	<u>175,042 08</u>
For interest paid more than received, . . . . .	4,000 10
	<u>\$179,042 18</u>

The amount received during the past year is, viz :—

For passengers between Boston and Lowell only,	\$120,112 12
“ “ in connection with the Boston and Maine Rail-road,	14,012 52
For passengers in connection with the Lowell and Nash- ua Rail-road,	16,775 95
For passengers in connection with the Concord Rail- road,	26,050 65
For merchandise between Boston and Lowell only,	95,655 07
For merchandise in connection with the Boston and Maine Rail-road,	17,157 10
For merchandise in connection with the Lowell and Nashua Rail-road,	21,517 84
For merchandise in connection with the Concord Rail- road,	39,112 64
For transporting U. S. mails, rents and miscellaneous,	5,673 78
	<u>\$356,067 67</u>

The number of miles run during the past year, is viz :—

With passenger trains,	112,793
“ merchandise trains,	50,434
“ miscellaneous “	12,310
	<u>175,537</u>

The amount of profits divided during the past year, is \$144,000, being two dividends of four per cent. each, on a capital of \$1,800,000.

During the past year, the Woburn Branch Rail-road has been completed and opened for public travel. Its whole cost, including that of depot buildings, is \$45,522 17.

The whole cost of the road, with its two tracks, depots, engines, cars and appurtenances, and including the Woburn Branch, is \$1,932,597 64.

A reduction has been made in the passenger tariff during the past

year. The price is now 65 cents for 1st class passengers to Lowell, and at the same rate to way stations.

All which is respectfully submitted.

GEO. W. LYMAN,  
JOSEPH TILDEN,  
WM. STURGIS,  
J. A. LOWELL,  
JONA. CHAPMAN,

*Directors.*

Boston, November 30th, 1845.

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COMMONWEALTH OF MASSACHUSETTS.

SUFFOLK, ss. *January 7th, 1846.* Then personally appeared, the  
aforenamed George W. Lyman, Joseph Tilden, William Sturgis, John  
A. Lowell and Jonathan Chapman, and severally made oath that the  
foregoing statement by them subscribed, were true, according to their  
best knowledge and belief.

Before me,

J. THOS. STEVENSON,

*Justice of the Peace.*

ELEVENTH ANNUAL REPORT  
OF THE  
BOSTON AND MAINE  
RAIL-ROAD.

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*To the Honorable Legislature of the Commonwealth of Massachusetts :*

The Directors of the Boston and Maine Rail-road, do hereby make their Eleventh Annual Report of their acts and doings, receipts and expenditures, under their acts of incorporation.

The Boston and Maine, and the Boston Maine Rail-road Extension Companies, have been united, by acts of the Legislatures of Massachusetts and New Hampshire, respectively; and by the acceptance of the same, on the part of the stockholders, and they now form one corporation; the united roads now extend from Boston to the Portland, Saco and Portsmouth Rail-road, at South Berwick in Maine, with a branch road to the Great Falls Village in N. H.

That portion of the road which lies between Wilmington and Boston, was so far completed on the first of July last, that the passenger trains were discontinued from the Boston and Lowell Rail-road, arrangements having been previously made for maintaining the communication between the two roads, by means of trains run by the Boston and Lowell Rail-road Company, to meet our trains at the point where the new road diverges from the former track, which point is two and one half miles distant from the former intersection with the Boston and Lowell Road.

The freight trains were discontinued from the Boston and Lowell Road on the first of December last.

The beneficial effects of extending this road into the city of Boston, by an independent line, are beginning to manifest themselves in the accommodations it affords to a large population, who had heretofore

been debarred from rail-road conveniences; in the increased value of property in the towns through which it passes, and the opportunity it affords to the crowded population of the north part of the city, to avail themselves of a conveyance into the country, where lands and buildings are cheap, in comparison with other sections of the country in the vicinity of Boston.

A petition has been presented to the Legislature for permission to change a part of the present location of the road in the town of Andover, for the purpose of reducing the heaviest grades on its whole line and carrying the road over the lands of the Essex Company, which company are now constructing a dam across the Merrimack River for manufacturing purposes.

The passenger and freight depot buildings in Boston and on the line of the road, are nearly completed.

The total amount of capital stock paid up to Nov. 30,

1845, was . . . . .	\$1,887,328 76
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Of this sum, the amount received of stockholders during

the year, was . . . . .	\$218,662 00
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Sale of house and land in New Hampshire, was . . . . .	2,687 25
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Total, . . . . .	\$221,349 25
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Expenditures on account of construction :—

In Massachusetts, on the old road, . . . . .	\$3,635 74
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“ “ “ Extension Road, . . . . .	400,815 91
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“ New Hampshire, . . . . .	3,231 27
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“ Maine, . . . . .	841 43
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New engines and cars, . . . . .	41,107 16
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Total, . . . . .	\$449,631 51
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Income and expenditures for the year ending Nov. 30, 1845.

Received for transportation of passengers, . . . . .	\$172,603 25
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“ “ “ of merchandise, . . . . .	97,486 46
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“ “ “ of gravel train, . . . . .	7,718 00
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“ “ miscellaneous receipts, . . . . .	9,255 39
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	\$287,063 10
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Expended on repairs of road in Massachusetts, .	\$6,560 45
“ “ “ “ “ New Hampshire, .	6,126 30
Repairs of engine and cars, . . . .	18,947 55
Balance of interest chargeable to annual expenses, .	14,764 70
New Hampshire State and other taxes, . . . .	5,022 62
Amount paid Boston and Lowell Rail-road, . . . .	31,169 62
“ “ Portland, Saco and Portsmouth Rail-road, .	12,267 17
Fuel, oil, salaries, and miscellaneous expenses, .	59,241 54
	<hr/>
	\$154,099 95

A dividend has been declared of \$3 50 per share, payable on the 1st July, amounting to . . . .	\$46,833 50
Also, a dividend declared of \$3 50 per share, payable on the 1st of January, amounting to . . . .	69,331 50
	<hr/>
	\$116,165 00

The number of miles run by locomotive engines in the year ending Nov. 30, 1845, was passenger trains, . . . .	145,218 miles.
Freight trains, . . . . .	35,568 “
Gravel “ . . . . .	14,160 “
	<hr/>
	194,946 “

In addition to the above, our passenger trains have run on the Boston and Lowell Road, drawn by their locomotives, . .	162,90 miles.
Do. do. on the Portland, Saco and Portsmouth Road, drawn by their locomotives, . . . .	47,576 “
Our freight trains on the Boston and Lowell Road, . .	9,300 “

All which is respectfully submitted.

THO. WEST,  
THADDEUS NICHOLS,  
WM. F. WELD,  
SAMUEL A. WALKER,  
JOHN HOWE,  
R. W. BAYLEY,  
A. PEIRCE,

*Directors of the Boston and Maine Rail-road.*

Boston, Jan. 22, 1846.

SUFFOLK, ss. *Boston, Jan, 22, 1846.* Then personally appeared, the above named Tho. West, Thaddeus Nichols, W. F. Weld, S. A. Walker, John Howe, R. W. Bayley and A. Peirce, and made oath that the foregoing report was true, according to the best of their knowledge and belief.

Before me,

EDW. PICKERING,

*Justice of the Peace.*

Boston, *Jan. 26th, 1846.* The undersigned have examined the foregoing Report of the Directors of the Boston and Maine Rail-road, and approve the same.

JOHN ANDERSON,

*Commissioner on the part of the State of Maine.*

WILLIAM STEVENS,

*Commissioner for the State of Massachusetts.*

FOURTEENTH ANNUAL REPORT  
OF THE  
BOSTON AND PROVIDENCE  
RAIL-ROAD CORPORATION.

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*To the Honorable, the Legislature of the Commonwealth of Massachusetts :*

The Directors of the Boston and Providence Rail-road Corporation, respectfully submit a report of their proceedings, receipts and expenditures, during the past year, as required by law.

The business of the road has partaken of the general prosperity of the country, and yielded a considerable increase of income, compared with that of previous years. In anticipation of such a result, a further reduction of passenger rates of transportation was made on the 1st of May last, reducing a first class passage between Boston and Providence to \$1 25, and a second class passage to 85 cents, making a total reduction since the road commenced operations in June, 1835, of  $37\frac{1}{2}$  per cent.

A reduction of 25 per cent. was also made in passenger tolls charged on this road, for passengers carried in the cars of the Taunton Branch Rail-road Company, reducing the toll to  $1\frac{5}{100}$  cents per mile, making a total reduction, since the Branch Road went into operation, of 50 per cent.

The extension of the second track referred to in the report of last year, is completed, and has added greatly to the safety and convenience of running trains. This track is laid in the most substantial manner, with an H rail of approved pattern, weighing 55 pounds per lineal yard. A further piece of second track between Foxborough and Mansfield stations, a distance of  $2\frac{1}{2}$  miles, was commenced last fall, and will be completed next spring; it is also in contemplation to ex-

tend the second track from the Dedham Branch Junction, to Canton, at an early day.

The engine house and workshop at the Roxbury station, and the passenger houses at the Dedham village and Jamaica Plain stations, have been enlarged. We have also built passenger houses at the Low Plain and Toll Gate stations.

The Stoughton Branch Rail-road, connecting with this road at the Canton station, was opened for use in April last, and has been operated under the agreement submitted in the last annual report, with advantage to this corporation, affording facilities to the travel on the line of the main road, between Boston and Canton, which otherwise could not have been afforded.

The tri-weekly day line between Boston and New York, via Stonington and the Long Island Rail-road, was discontinued by the voluntary act of the latter corporation, on the 9th of April last. This corporation was willing to continue the connection as a public accommodation, although it was a source of no pecuniary profit.

We have sold, during the year, 1,000 shares of new stock, by authority of a vote of the stockholders, for the purpose of paying for the 400 shares of the Stoughton Branch Rail-road stock, as authorized by an act of the last Legislature, and to pay for the second track from Roxbury to the junction of the Dedham Branch Rail-road. It sold at 12½ per cent. premium; the amount over par, \$12,500 00, has been placed to the credit of income account, and the par value, \$100,000, has been added to the amount of capital stock paid in.

An appraisement of the stock of cars, engines, &c., was made by the Superintendent on the 31st ult., and their value being less than was charged to constructions, or cost of road, &c., we have charged to income account the difference, say \$36,004 84, and deducted this sum from the cost of road, &c.

During the year, we have laid pipes on the side of the Rail-road, from an ample source in Roxbury, to lead water to the Roxbury station, which it is believed will furnish a permanent supply of excellent water.

The increased business of the road during the year, has caused a corresponding increase in the expenses, and also required a considerable addition to the stock of engines and cars.

22      BOSTON AND PROVIDENCE RAIL-ROAD.      [Feb.

The amount of capital paid in is	\$1,960,000 00
The amount expended on account of construction, during the past year, including second track, grading road-bed, &c.,	\$114,547 42
Amount previously expended, including second track and Seekonk Branch Rail-road,	1,886,134 58
	<hr/>
	\$2,000,682 00
Deduct amount charged for depreciation of cars, engines, &c.,	36,004 84
	<hr/>
Present amount of construction account,	\$1,964,677 16

*Income of the present year.*

From Passengers,—

Main Road,	\$164,652 06
Taunton Branch,	38,416 10
Dedham Branch,	20,962 51
Stoughton Branch,	8,646 41
	<hr/>
	\$232,677 08

From Merchandise,—

Main Road,	87,037 65
Taunton Branch,	15,243 56
Dedham Branch,	1,335 35
Stoughton Branch,	5,155 81
	<hr/>
	\$108,772 37

From transportation of mails, after deducting expense of carrying to and from post offices and stations,	\$6,255 94
From rents, interest, &c.,	2,923 58
	<hr/>
	\$350,628 97

*Expenditures during the year, exclusive of the amount charged to construction account as before stated.*

Repairs of rail-road, including bridges,	\$14,277 86
“      of cars and engines,	32,405 35

Miscellaneous expenses, including salaries, fuel, oil, &c., . . . . .	\$86,142 31
Ferry at Providence, to connect with the Stonington Rail-road, from August 9th, 1844, to Nov. 10th, 1845, including \$543 60, for dredging out the channel, . . . . .	8,468 60
Rent paid Boston and Providence Rail- road and Transportation Company in Rhode Island, for lease of their road, bridge and station, . . . . .	6,787 86
Operating the Stoughton Branch Rail- road, from April 7th, to December 31st, 1845, under the agreement of January 1st, 1845, . . . . .	4,719 88
	<hr/> \$152,801 86
Net earnings, . . . . .	\$197,827 11
Amount standing to credit of Income Ac- count, January 1st, 1846, . . . . .	\$162,143 27
The amount of dividends paid during the year 1845, In January, $3\frac{1}{2}$ per cent., \$65,100 00 In July, $3\frac{1}{2}$ per cent., 65,100 00	

*Number of miles run by locomotives during the year.*

Passenger trains, . . . . .	117 004
Merchandise and other trains, . . . . .	58,199
	<hr/>
Total miles run, . . . . .	175,203
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JOSEPH GRINNELL,  
WM. APPLETON,  
JAMES K. MILLS,  
JOHN BRYANT, JR.,  
JOHN BARSTOW,

*Directors.*

SUFFOLK, ss. *Boston, Jan. 17, 1846.* Then personally appeared the above-named Wm. Appleton, James K. Mills, John Bryant, Jr., and John Barstow, and made oath, that the above report was true, according to the best of their knowledge and belief.

Before me,

EDW. PICKERING,

*Justice of the Peace.*

FOURTEENTH ANNUAL REPORT  
OF THE DIRECTORS  
OF THE  
**BOSTON & WORCESTER RAIL-ROAD**  
TO THE LEGISLATURE.

*To the Honorable Senate and House of Representatives :*

The Directors of the Boston and Worcester Rail-road respectfully present to the Legislature, the Fourteenth Annual Report of their proceedings, and of the current receipts and expenditures of the Corporation.

The amount of capital stock paid in previous to the  
1st of January, inst., was . . . \$2,900,000 00

The receipts of income within the year, ending on  
the 30th of November, 1845, consisted of the  
following sums, viz. :

From the transportation of passengers, \$241,219 42

From the transportation of merchandise, . . . 233,505 33

From the transportation of the mail, 6,824 80

Rents and incidental receipts, . . . 5,905 98

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487,455 53

Undivided surplus of preceding year, 13,163 42

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Amounting to . . . \$500,618 95

The current expenditures for the  
same period were :



For repairs of road, bridges, and buildings, . . .	\$69,443 65	
For repairs of engines and cars, including new engines, . . .	51,263 40	
For all other expenses, . . .	129,022 45	
	<hr/>	
Total expenses of the year, . . .		\$249,729 50
Dividend paid July 1, 1845, 4 per cent. \$116,000 00		
“ “ Jan. 1, 1846, 4 per cent. 116,000 00		
	<hr/>	
		\$232,000 00
		<hr/>
Leaving a surplus undivided, of . . .		\$18,889 45
		<hr/>

The number of miles' running of locomotive engines, during the year, was :

With passenger trains, . . .	164,958 miles.	
“ freight trains, . . .	73,542 “	
“ gravel trains, . . .	15,206 “	
	<hr/>	
Total, . . . . .		253,706
		<hr/>

The expenditure of \$69,443 65, as above stated, for road repairs, includes, in addition to the ordinary repairs of road, bridges and buildings, a large charge for the renewal of rails on a part of the old track, by the substitution of a heavier rail, and some extra charges for the enlargement of depot buildings. This has been done in pursuance of a design of obtaining ultimately, by gradual renewals, an entire track, better adapted than the present, to sustain the heavy engines and loads, which are now carried over it. The rails with which these renewals are made, are of a weight of 63 pounds to a yard in length, and they are fastened by cast iron chairs, at the extremities of each rail. The sum thus expended exceeds by about \$25,000 the estimated amount of ordinary road, bridge and depot repairs. It was deemed, however, proper to make the whole amount a charge on the income of the year, as a part of the current expenses, instead of charging it to the construction account, representing capital; inasmuch as the expenditure charged within the year to the account of repairs of engines and cars,

is inadequate to meet the heavy depreciation from wear and damage, to the very large number of engines, tenders and passenger and freight cars, required for the business of the road. It would be difficult were it desirable, so to apportion the current expenditures of every year in each separate branch of account, as to preserve an exact equilibrium between the wear and the renewal, on each description of property, but the object of determining the net divisible income of the year, is sufficiently attained, if the aggregate of expenditure for repairs is sufficient to maintain the value of the whole property against wear, decay, damage and depreciation from every cause. Such a charge in some form, either of expenditure or reserve, must evidently be made, and deducted from the income of the year, before the proper divisible profits can be ascertained. On a valuation of the present stock of passenger and freight cars, it is estimated that an amount equal to that stated, is required to be credited to that account, to make good the deficiency of appropriations to it, in the last and several preceding years.

The foregoing statement exhibits a large increase in the income of the year, over that of any preceding year. This is to be attributed to the prosperous condition of the Commonwealth, and of the country, together with the satisfactory arrangements which have been made, for the despatch of the business of this road. The increase of transportation has been perceptible alike in the passenger and freight departments, but the increase of income has been much less in amount in the former, than it would have been, had not a large reduction been made in the rates of passenger fare, as stated in the last annual report made in December, 1844.

This reduction applied to all the local travel of the road, and amounted to 16½ per cent. of the rates previously charged. By this reduction, the rates of local fare are made to correspond with those received from passengers coming from and proceeding to the Norwich and Worcester Rail-road.

The rate of compensation received by this corporation from passengers transported to or from the Western road, is the same as before this change took place, it being still less by twelve per cent., than the reduced rate of the local fare.

Besides the diminution of receipts from this cause, there was also a loss sustained during a large part of the last season, from the necessity of reducing the rates of fare, in conjunction with the Norwich and Worcester Road, on the New York lines, to make them correspond with the rates which had been established on the other New York

routes, by way of Stonington and Newport. Under the circumstances of the case, the only alternative was to submit to such reduction, and thereby fail of obtaining a reasonable compensation for the service rendered, or to abandon the travel to the other lines, which in such case might be induced by the monopoly thus obtained of the New York travel, to make the reduction permanent. The corporations interested in the maintenance of the Worcester and Norwich line of communication with New York, adopted the course which they conceived would be conducive to the permanent interests of their respective roads, and of that portion of the public who have an interest in their being properly sustained; and such a course as they believed would tend to secure to this route that portion of the New York travel, which, from the character of the accommodation afforded by it, they have a right to expect. There is reason to anticipate from the results of the attempt of last season, to obtain a monopoly of this travel, and from the arrangements which have been since made, that a competition so unprofitable to all the parties in it, will not be renewed the present season. The Boston and Worcester, and Norwich and Worcester Rail-roads, receive an equal compensation per mile (with the exception of a small fraction,) for all joint transportation on the two roads, with the exception of that to and from New York. On this only the Norwich Company, by special agreement, receives a small increase, a proportion, (to the amount of  $6\frac{1}{4}$  per cent.,) in consideration of the expense which was incurred by them, in building the extension of their Rail-road to Allen's Point, for the exclusive accommodation of the New York business.

The relative rates of fare received by the Boston and Worcester, and the Western Rail-roads, from passengers travelling over the line of both roads, are on a different footing. This corporation has always readily conceded to the Western road, the right to demand a higher rate of fare per mile, on passengers of the joint line, than is received from the same passengers per mile on this road. This distinction is admitted to be just and reasonable, on account of the greater cost of that road, and the greater expense of maintaining it, in proportion to the amount of business which it can be expected to command. But it is not admitted that this distinction can be reasonably carried so far as to give to that road a greater profit per mile, after deducting the expenses of each, including the interest on the cost, on its share of the joint business, than is given to this road on its share of the same business. Nor is it admitted, that that corporation is entitled to any part

of the earnings of this road, or to any income from the transportation of passengers or merchandise on it. Yet as a convenient mode of making the distinction in the rate of fare in favor of that road, admitted to be due to it, this corporation has consented to pay over to it, a stipulated proportion, of the fare paid by the joint passengers for their tickets on this road. This proportion, as above stated, amounts to twelve per cent. on the present local rate, or fifteen cents from \$1 25, the rate from Boston to Worcester. This amount collected on this road, added to the charge for tickets on that road, makes a difference of one cent per mile, in the amount received by that corporation, from each first class passenger travelling over the two roads, over the amount received by this corporation. There is the same proportional difference on the second class rates.

In the amount of fare received by this corporation from passengers, no change was made, as has been remarked above, at the time of the reduction above mentioned. But as the reduction of the local fare had the effect of diminishing the difference between that fare and the sum charged by this corporation, on passengers proceeding to that road, it followed that the amount paid over to that corporation was reduced in consequence of the change. The difference, notwithstanding this reduction, between the amount realized by the respective corporations, from passengers transported at the same time over both rail-roads, is not less than one cent per mile; that is to say, this corporation receives a fare of two and a half cents per mile, from first class passengers, for the whole or any part of this road which they may pass over, and the Western Corporation receives three and a half cents per mile, from the same passengers, including the amount paid over from this corporation for the distance which they are transported on that road. There is also the same proportional difference in the rates to passengers of the second class. The rate per mile received by the Western Corporation varies slightly, according to the distance travelled on that road; but the average amount is not less than three and a half cents a mile, as stated above, while the amount received on this road is at a uniform rate of two and a half cents a mile.

This explanation of the rates of fare charged on this road, and of the amount as well as the grounds of the difference of rate charged to local passengers and to those coming from other rail-roads, seems requisite for removing the misapprehensions which have prevailed on the subject. It will be perceived, that by the reduction of rate on the local travel, it is brought more nearly to the rates of compensation

paid by the travel from the Western Road, but that there is still a material distinction in the amount realized by this corporation from the two classes of passengers; and that the distinction is still greater in favor of that road, in the amount realized by each from the same passengers travelling over both.

Such was the activity of business during the year, and the unparalleled movement of travellers, that the receipts from passenger fare, notwithstanding the reduction above stated in the rates, presented an increase of income over that from the same source in the preceding year of \$6,585 21.

The increase in the income from the transportation of merchandise, arising from the increased activity of business, was much greater, amounting in the whole to \$57,509 46. The rates of freight in the mean time, on all the branches of the business, remained through the year unchanged. There was, however, a change in the amount received by this corporation, from the freight of merchandise conveyed to and brought from the Western Rail-road, in consequence of the expiration of the obligations of the award of arbitrators, of which a history was given in the last annual report. This award regulated the receipts of income from this branch of the business of the road, from January 1, 1844, to April 15th, 1845. The award was made in pursuance of a voluntary submission by the parties, of the question embraced in it for a limited period, to the decision of arbitrators, subject to be terminated thereafter, by notice from either party that they were dissatisfied with it. In pursuance of notice from this corporation, it terminated on the date last above mentioned.

The award was objected to by this corporation, both in principle and in its practical operation, because it gave to the Western Corporation a part of the income earned by us exclusively upon our road, and because the portion assigned to us, of the receipts for the transportation of merchandise upon our own road, in our own cars, (in a just proportion,) by our agents, and at our cost and risk, was entirely inadequate, beyond the actual expense, to compensate this corporation for the capital which they had invested for the special accommodation of this branch of the business. These grounds of objection to the award have been more specifically set forth elsewhere, and it would be irrelevant to repeat them here.

The grounds of our opposition to the claim of the Western Rail-road Corporation, to enjoy a portion of the income earned upon our road, we shall have occasion to set forth elsewhere, in our defence against the

proceedings instituted in the Supreme Judicial Court, and now pending for the prosecution of that claim ; and also, if necessary, in another form, before this Honorable Legislature, in respectful opposition to the petition of the same parties, in which they pray for summary redress, in the identical case for which their suit is already pending in the highest judicial tribunal of the Commonwealth. We forbear, for these reasons, to enter into any discussion of that question in this report.

It is proper, however, for the Directors to state, as a part of their proceedings during the year, that in anticipation of the expiration of the award, they gave notice to the Directors of the Western Rail-road of their readiness to continue the joint business in the same manner, in all respects, as that in which it had been conducted during the pendency of the award, and at the same rate of fare and freight, with the exception, that in lieu of the rate of compensation prescribed by the referees, this corporation should receive all the freight earned upon this road ; and that each corporation should be entitled to charge upon the joint income, sixteen cents a ton, as the estimated cost to each, of the loading, unloading, clerk hire, and other expenses at their respective depots.

In this proceeding they have claimed, as they conceive, no more than they are entitled to by virtue of their charter, and they encroach upon no rights granted to the Western Road by the charter of that corporation. If they are mistaken in this estimate of their rights, the legal tribunals of the country will doubtless correct their error, and afford the adverse claimants an adequate remedy.

In proof of the moderation and the liberality towards the Western Rail-road Corporation and the public, with which the Directors have executed the trust committed to them in that provision of the 5th section of the charter of this corporation, which grants a toll, "*for the sole benefit of said corporation, upon all passengers and property of all descriptions, which may be conveyed or transported upon said road, at such rates per mile as may be agreed upon and established from time to time by the Directors of said corporation,*" it may be pertinent to remark that, in regard to the passenger fare, the rates established upon all passengers connected with the Western Rail-road, are as low as are established on any rail-road in the Commonwealth, and they are less by one third, as has been shown above, than the rate demanded by the Western Rail-road from the same passengers, when travelling on their road in the same cars. In regard to the demand for freight, it may be remarked, that the compensation demanded is the same per mile as is

received by the Western road ; it is regulated precisely by the same specific rates as were in force for the benefit of the Western road, during the period when the compensation of this road was prescribed by the award ; and it is lower, as we are informed and believe, than the rate charged on general merchandise, upon any other rail-road in the country, except the Western. The rates of compensation, on the business connected with the Western road, are also much lower than are demanded, for the transportation of the same description of merchandise, in every other branch of the business of this road.

It is true the rate of compensation thus established by the directors by virtue of authority which they claim under their act of incorporation, is in a small degree higher than that which was established by the award of the referees referred to above. A considerable portion of this increase arises from the claim made by the directors of this road, to have the cost of labor, clerk hire, and other depot expenses, at the several stations on the two roads, made a charge on the gross receipts from both, instead of having the whole expenses of our part of the line, which are equal, at least, to those of the other, made a charge exclusively upon our share of the receipts, which do not exceed 30 per cent. of the whole amount. The expenses of the Boston freight depot alone amounted the last year to over \$20,000, of which more than half was justly chargeable to the freight from the Western road. Including the increased net receipts in consequence of the allowance of this charge, the proportion of the freight money received by this corporation, during the past year, did not exceed the amount to which it would have been entitled, under the award, had it been continued in force through the year, by more than \$12,000.

This statement will serve to show, that while this corporation claims the right of managing its own affairs, in pursuance of the authority granted to it by charter, it is ready to manage them in a manner not incompatible with the full enjoyment, by other corporations, participating with them in the same line of communication, of all their rights. They have been uniformly desirous of arranging all matters, in which they are jointly interested with either the Western, or the Norwich and Worcester Rail-road, on the most liberal terms, and in a manner most effectually to promote the success of those roads, so important to the extended lines of communication of which they form a part.

In our negotiations for this object with the directors of the Norwich road, we have concluded every arrangement for the mutual advantage of the two roads, in a uniform spirit of the utmost harmony. In our

negotiations with the directors of the Western road for the same object, we have been, for the most part, met in the same accommodating spirit, and many arrangements have been entered into for conducting the joint business, in a manner most advantageous and satisfactory to the public, and to the mutual advantage of the two corporations. Minor differences of opinion have not been suffered to disturb the harmony of action, so important to the management of a concern of so complex a nature, as the formation of a system of arrangements for the conduct of the joint business of these two roads. The directors of the Western road, in these arrangements, have doubtless made concessions to the wishes of this corporation, in obedience to a liberal desire of promoting the common interest. On the other hand, it will not be denied, that we have made large and liberal expenditures, with a special and chief reference to the better accommodation of the business of that road;—particularly in the building of the second track, and the great enlargement of the freight accommodations. In the desire entertained by us, in common with the directors of that road, to promote an object so important to the interests of the city and of the Commonwealth, as the successful establishment of this great line of commercial and personal intercourse, we have been prepared to do every thing, short of an abandonment of the rights of our own constituents, to second the views, and advance the interests of that corporation. In proof of this, we appeal to the whole history of our negotiations and arrangements, with the directors of that corporation, and to the very terms of arrangement under which the joint business is now conducted.

It is only when they assail the vital principle of our charter,—the right of regulating the business and enjoying the income of our own road,—when they demand the right of deriving an income from the use of the Boston and Worcester road,—that we resist the claim and stand upon our rights.

We readily concede to the Western Corporation all the rights and powers which we claim for our own, but no more—both acting under charters granting the same powers and privileges. We are ready to coöperate with the Directors of that corporation, in measures consistent with the common benefit, far more efficacious, as we believe, in advancing the interests of that road, than any system of coercion can be, which aims at rendering one corporation subordinate to the other—even should it obtain, as we believe it cannot, the sanction of the judicial tribunals. The power of using this road, by compulsory means, against the voluntary consent of its proprietors, would afford but a poor



income, compared with that which may be earned by each corporation upon its own road, acting together for their mutual benefit, in a spirit of cordial coöperation. Whatever may be the result of present controversies, the Directors believe that those who shall be hereafter entrusted with the management of the affairs of the two corporations, will find that the true interests of both will be best promoted by a joint coöperation, in the exercise of equal powers, in a liberal spirit, for the common benefit.

Several important improvements have been made in the rail-road and its depot accommodations, during the last season, which have required a large additional expenditure of capital. One of these improvements consists of the raising of Tremont street, in the city of Boston, in such manner that it is made to cross the rail-road by a bridge of a sufficient elevation to admit of the passing of locomotives and rail-road carriages beneath it. This street, which is 70 feet in width, has become already one of the principal thoroughfares of the city, and the travel upon it is daily increasing. It was therefore deemed important for the interests of this corporation, as well as those of the public, to separate the two roads by a difference of level, so as guard against obstructions to the travel on both; and, what is more important, to remove the possibility of collisions which put in jeopardy the lives of travellers upon the street as well as upon the rail-road. This has been done by the Directors, under the authority of the mayor and aldermen, granted on the condition that the corporation will indemnify the city against all legal claims for damages to private property. A substantial bridge has been erected, and the street is raised by an embankment supported by side-walls which are built on piles. The declivity in the street, occasioned by the elevation, is not greater than occurs in other parts of the same street.

Another improvement alluded to, consists of the erection of a large and commodious engine-house and machine-shop, near the freight station in Boston, for the deposit and repair of locomotive engines; the former building erected for these purposes being entirely insufficient for the reception of the requisite number of engines for the despatch of the present business of the road. The new building is designed to be a durable structure, and it is upon a plan of construction and furnished with machinery carefully adapted to the purposes to which it is devoted. A lot of land and a wharf, adjoining this building, have been purchased for the storage of the large quantity of fuel which is necessarily kept on hand for the working of the locomotives. On an

adjoining lot, also, carpenters, blacksmiths, and paint shops, for the building and repair of passenger and freight cars, are erected, and provided with appropriate fixtures and furniture.

An important improvement has also been made at the Boston depot, for the purpose of affording a passenger station to the Old Colony Railroad, on Albany street, in the immediate vicinity of the passenger station of this road. For the purpose of affording this accommodation, a substantial and commodious building has been erected, on the corner of Albany and Kneeland streets, containing rooms for passengers and baggage, and tracks for the engines and cars. A track, to be appropriated to this use, at all times when it shall be required, is also laid, leading from the passenger house, through the freight depot, and over the original wharf of this corporation, to the drawbridge, which has been erected across the channel by authority of an act of the Legislature. For the accommodation thus afforded to the Old Colony Railroad, including the use of a track for all the passenger trains, that corporation pays a stipulated annual rent. A convenient union is thus formed between the two rail-roads, which may prove advantageous to the interests of both.

Improvements have also been made in the enlargement of the buildings at the Millbury, Grafton, and Natick stations, and the freight accommodations at Hopkinton.

In consequence of an application which was made to the Legislature at the last session by the inhabitants of Framingham, Saxonville, and Wayland, for authority to build a branch rail-road leading from Framingham to the Fitchburg Rail-road, at Weston, the directors of this corporation, for the accommodation of the business of the two first named villages, engaged to build a branch rail-road from such part of the main road, as on examination should prove most advantageous, to Saxonville; and also one leading to the Central Village in Framingham, if the inhabitants of that place should request it. Examinations and extensive surveys, in reference to both these objects, were made early in the season, on several routes, diverging from the main road at several different points. In compliance with a special application from the inhabitants of Framingham, a survey was made to determine the practicability of a route to commence at the Central Village in that town, and passing through Somerville, Wayland and Weston, to the main road near the Charles River. This route was found decidedly ineligible. The best mode of accommodating the village of Saxonville, was found to be by a branch leading very nearly in a direct

course from Natick village, crossing Long Pond near the wading place, and terminating near the New England Worsted Factory. On this route the road was located, and it is nearly graded. It was intended that the rails should be laid down, before the winter, but it was found in consequence of the delay in the selection of the route, to be impracticable.

This branch will be completed early in the ensuing season.

In regard to a branch to Framingham Central Village, the directors came to the opinion, upon a thorough investigation, and after hearing the suggestions of the gentlemen of that place, who had given their attention to the subject, that the business of the village can be best accommodated by a branch leading directly to it from the depot at South Framingham. The reasons for this opinion were explained to a committee of the inhabitants of the village, but we regretted to learn that they were not satisfied with the decision. In consequence of this dissatisfaction, and no request having been made for a branch to this village except by a route in the opinion of the directors, manifestly ineligible, no definitive decision has been made in regard to it.

Several applications have been made to the directors for the construction of branches leading to the villages of Newton Lower Falls, Newton Upper Falls, and Newton Centre. Several surveys have been made in reference to the two first, and some examination in reference to the last. A route has been selected for a branch to the Lower Falls, and it is proposed to begin the work early in the spring. Two routes to the Upper Falls have been under consideration, but no decision has been made in regard to either, nor in regard to the application from Newton Centre.

NATHAN HALE,  
DANIEL DENNY,  
ELIPHALET WILLIAMS,  
NATHANIEL HAMMOND,  
JOHN HATHAWAY,  
ABRAHAM T. LOWE,  
BENJAMIN T. WHITE,  
SAMUEL GREELE.

Boston, Jan. 27th, 1846.

**SUFFOLK, ss. Boston, Jan. 30th, 1846.** Then personally appeared the above named Nathan Hale, Daniel Denny, Eliphalet Williams, Nathaniel Hammond, John Hathaway, Abraham T. Lowe, Benjamin T. White, Samuel Greele, and severally made oath that the foregoing report, by them subscribed, is true, according to their best knowledge and belief.

Before me,

**GEORGE BEMIS,**

*Justice of the Peace.*

**TENTH ANNUAL REPORT**  
**OF THE**  
**CHARLESTOWN BRANCH RAIL-ROAD**  
**COMPANY.**

*To the Honorable the Senate and House of Representatives of the Commonwealth of Massachusetts :*

The Directors of the Charlestown Branch Rail-road Company submit their Tenth Annual Report of their acts and doings, receipts and expenditures, under its act of incorporation.

The amount of capital stock paid in, is . . . \$300,000 00

Amount expended at the date of the last Annual Report, \$280,259 72

The amount expended during the past year, and charged to the construction of the road, is

For construction of road and bridges, . \$18,311 13

“ land and land damages, . . . 26,030 02

“ road furniture, . . . 13,167 20

“ buildings, . . . 46 26

\$57,554 61

Deduct land sold, . . . 10,425 50

\$47,129 11

Total cost of road and appurtenances at this time, \$327,388 83

The receipts of the Company for the past year on account of capital stock, are for 500 shares at eighty dollars per share, . . . . .

\$40 000 00

The discount of twenty dollars a share made to the stockholders, amounting to \$10,000, has been charged to account of profit and loss, and been repaid from the income and profits of the road. The same was the case in 1842, when 500 shares were issued to the stockholders at \$50 dollars a share. The discount of twenty-five thousand dollars was charged to the account of profit and loss, and repaid in the same manner. So that on the whole 3000 shares of the Company's capital stock, there have actually been paid in or realized the full sum of \$300,000 00.

The receipts of the road for eight months, up to September 1, 1845, are,—

For passengers,	\$3,733 98	
“ freight, \$22,258 47 less disc't \$861 41,	21,397 06	
	<hr/>	\$25,131 04
“ rents and profits on land sold,	1,683 00	
	<hr/>	\$26,814 04

The expenses of the road for the same time, are—

For repairs of road,	\$3,319 34	
“ “ of engines and cars,	1,884 80	
“ fuel, oil, and other expenses,	11,072 63	
	<hr/>	\$16,276 77
Balance, credited to profit and loss,		<hr/> \$10,537 27

The number of miles run by locomotive engines for the eight months to September 1, are—

With passenger trains,	2,768
“ “ and merchandise together,	7,410
Merchandise trains,	4,394
Miscellaneous,	228
	<hr/> 14,800

The number of tons of ice transported for the same time, is 44,145, and 5,650,000 bricks have also been transported.

No Dividend of Profits has been made since the last Annual Report.

On the first day of September last, an arrangement was ratified between this Company and the Fitchburg Rail-road Company, (pursuant to the provisions of the charter of the last named Company,) for a lease of the Charlestown Branch Rail-road, and its furniture, and a portion

of the other property of the Company, with the right on the part of the Fitchburg Rail-road Company to purchase the same by paying \$258,000 00, or eighty-six dollars a share; and until the purchase, the Fitchburg Company were to pay interest on that sum in semi-annual payments, and all repairs and other expenses. This arrangement was so obviously for the mutual advantage of both Companies, that it was unanimously approved and confirmed by the stockholders of the two Companies at meetings at which the majority in interest were respectively represented. Since the 1st of September, the road has been run by the Fitchburg Company, who have since given notice of their election to purchase, and the 31st day of this month is the day mutually agreed upon for the transfer.

A dividend of a portion of the capital stock will then be made, leaving a sufficient sum on hand to meet all the liabilities of the Company.

In their last Annual Report, the Directors informed the Legislature that the Company had made a contract "with the Governor and Council in behalf of the Commonwealth, by the terms of which this Company is to enclose and fill up for the State about seventy-eight thousand feet of flats adjoining the State Prison Yard, for which the Commonwealth is to give the Company a deed of its remaining lands and flats on the westerly and south-westerly side of the Prison." The Company are now about ready to receive the deed, having nearly fulfilled the terms of the agreement upon its part. The amount of the whole cost to the Company for making and enclosing the land which the Commonwealth is to receive, will not be far from \$15,000 00—which is the consideration paid by the former for the remaining lands and flats to be conveyed by the latter.

This contract was made on the 15th October, 1844, under the authority given in the Company's charter, (see act 1836, chap. 187, sec. 7,) by which "His Excellency the Governor, by and with the advice and consent of the Council, is hereby authorized to sell, exchange or otherwise dispose of to the said Corporation, such part of the land and flats owned by the Commonwealth on the south-easterly and south-westerly sides of Austin street, and of the said Prison Point Bridge in Charlestown, and lying without the walls and fences of the State Prison, in such manner and upon such terms as they may deem for the interest of the Commonwealth." Efforts had been made by the Company to make this purchase in several preceding years, but without success until 1844, when the pressing demands of the Company, owing to its increasing business, for land for their engine houses and cars,

and for wharfing privileges, compelled it to accede to the terms of the Government. A portion of this land is to be conveyed to the Fitchburg Rail-road Company by the terms of the agreement, and the two Companies have been negotiating for a sale of a larger portion. This property will be all that will remain to the Company after the 31st instant; and in two years the Company will be enabled to wind up its affairs. The Directors feel confident that they will be able to dispose of this property without loss to the stockholders, as the demand for land and wharfing privileges in this vicinity is increasing every year.

Of the portion of land or flats which this Corporation is to receive under this contract, the Boston and Maine Rail-road Extension Company (now united with the Boston and Maine Rail-road Company,) has taken for its road about 50,000 square feet; and one of the stipulations made by the Governor and Council, on behalf of the Commonwealth in said contract, is, that the Charlestown Branch Rail-road Company shall be authorized to institute legal proceedings at its own expense and for its own benefit against the Boston and Maine Rail-road Company, to recover damages for the property thus taken.

And our Company on its part, was obliged among other engagements to make within a reasonable time the whole of the 50,000 square feet of flats so taken, solid land; because a great portion thereof bordered upon the land reserved by the Commonwealth, and must, therefore, be filled up in order that the new made land of the State Prison may remain solid. This our Corporation proceeded to do with proper despatch, having first formally tendered to the Boston and Maine Rail-road Company the privilege of doing it for itself. The estimated cost of filling up the land taken by the last named Company, with the proportionate part of the consideration agreed to be given to the Commonwealth, will amount at least to \$12,500 00. Under authority given by the Governor and Council, legal proceedings have been commenced against the Boston and Maine Rail-road Company to recover these damages, the latter Company having refused to leave the matter in dispute to any impartial reference, or to make any settlement whatever. And much to our surprise this Corporation entered a Protest before the Governor and Council,—which is also addressed to the Honorable Legislature—against granting the authority to commence these proceedings, upon the bold and frivolous pretence, that the charter of the Boston and Maine Rail-road Extension Company made to it an absolute grant of the property which the Commonwealth has acquired by



purchase. We have looked in vain for any such grant. It is contended that the grant is *implied* in the section of the charter which describes or locates the route of the Extension Road; but in that description not a word is mentioned of the property of the Commonwealth, nor is there fixed any boundary which would *require* the road to be run through it. On the other hand, it can be indisputably proved that this description could be followed in three or four different and favorable routes, without touching the premises and flats of the State Prison. Under the construction which the Boston and Maine Railroad Corporation gives to the Act of 1844, Chap. 172, it might as well have located its Extension Road through the very yard of the prison, and taken down for the purpose any of the valuable buildings thereon. If that Corporation under the above act has the right to take, without remuneration, the flats appurtenant to the prison yard which the Commonwealth purchased of individuals, it has an equal right to take with impunity its five rods wide through the yard itself, and even through the innermost recesses of the prison. If there is any question to be raised, it is whether the location of the Extension Rail-road is legally made, and whether before the road was constructed that Corporation was not liable to an injunction.

It is not the custom of this Commonwealth to give away her property acquired by purchase to private Corporations. She has often lent her aid to Rail-road Corporations, but has always insisted upon having adequate indemnity; and whenever she makes a grant for any purpose it is done in specific, intelligible and absolute terms. Nothing is to be *presumed* against the Commonwealth.

The Legislature which passed the act referred to, did not have any notice that the Company chartered by it, intended in the first place to take the property of the Commonwealth, and in the next place to make the attempt to evade paying its fair value. The petitioners for the charter of the Charlestown Branch Rail-road Company, however, in 1836, did give notice that they desired to take a portion of this property, and they obtained the liberty in express terms; the route of their rail-road was defined and described as going through it;—but (and here is the difference in the two cases,) the Governor and Council were *in addition* to the authority above quoted, also authorized “to make such arrangements with said Corporation, concerning the building of said Branch Rail-road and the filling of the flats in and upon the land of the Commonwealth, as shall be considered just and expedient—and said road shall not be made until his Excellency the Gov-

ernor, by and with the advice and consent of the Council, shall have approved of the location and the proposed mode of building that part of said road which may be constructed over the lands and flats of the Commonwealth near the State Prison." The Charlestown Branch Rail-road Company under its charter, from which the above quotations are made, obtained leave of the Governor and Council for an adequate consideration given to the Commonwealth, to locate its road through these lands and flats, in one place twenty-five feet wide and in another place forty feet wide. But the Boston and Maine Rail-road Extension Company, in 1844, when this property of the Commonwealth had become much enhanced in value,—and there being no special authority appointed in its charter to protect the interests of the Commonwealth, for the very good reason that the Legislature did not suppose that they were about to be invaded,—located its road five rods wide through her valuable property, and took thereof nearly an acre and a quarter, and now under the plea of the public good seeks to evade paying a fair remuneration therefor! It is singular indeed that a Corporation which owes its existence to the strict construction of the chartered rights and privileges of another Corporation, and to the rejection by the Legislature of all *implied* grants, should, among its first acts, set up its charter against the Commonwealth, and after having taken a large piece of her property for its own use should pretend that it had a grant thereof by *implication*. The Directors much regret that they are compelled in this report to allude to the extraordinary protest of that Corporation, wherein are stated other matters which cannot be maintained, as they are prepared at any time to show. The Corporation which they represent, being now about to wind up its affairs, claims nothing but justice at the hands of the Commonwealth and of all other parties.

The Directors deem it appropriate in this report to show to the Legislature what amount the stockholders have paid in, and the interest thereon, and also what dividends they have received since the organization of the Corporation. There was paid—

In Dec. 31, 1838, the sum of . . . . .	\$50,000 00
" " " 1839, " " " . . . . .	50,000 00
" Oct. 10, 1841, " " " . . . . .	100,000 00
" Dec. 1, 1842, " " " . . . . .	25,000 00
" Sept. 1, 1845, " " " . . . . .	40,000 00
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Making the whole sum paid, . . . . .	\$265,000 00

(As before stated, the discount of \$35,000 00, was made up from the receipts and profits of the Company.)

The simple interest on the sums paid by the stock-holders, from the times of payment to the 31st inst., would be . . . . .	\$74,750 00
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Making the actual cost to them, . . . . .	\$339,750 00
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The dividends paid out have been as follows;

1843, Aug. 1st, . . . . .	\$25,000 00
1844, Jan. 1, . . . . .	7,500 00
“ July 5, . . . . .	7,500 00
1845, Jan. 1, . . . . .	6,250 00

Whole amount of dividends, . . . . .	\$46,250 00
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To which add the amount to be paid by the Fitchburg Rail-road Company on the 31st inst., (including interest,) . . . . .	264,450 00
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Making the whole amount of dividends and capital repaid, . . . . .	\$310,700 00
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And leaving a deficiency or loss of . . . . .	\$29,050 00
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or nearly ten per cent. on the capital stock. The land of the corporation remaining unsold will probably produce more than its cost, and the profits therefrom will go towards reducing the loss. Thus while other Rail-road Companies in Massachusetts have made their regular dividends at the rate of from six to ten per cent., this Corporation will hardly be able to return its capital with simple interest thereon.

But the benefits and enterprise which this Corporation has developed are of no small consequence. It was first chartered as a branch to the Boston and Lowell Rail-road, and one third of its present capital was expended in making this connexion, and in providing advantages which no other line of rail-roads in this State possesses, of taking and receiving freight and merchandise at wharves in our harbor, where ships of the largest class may be moored at all tides. Leave was next granted to extend the road to Fresh and Spy Ponds, and then it became distinguished as the Ice-road, and by giving new facilities for the transportation of that important staple commodity, it has already had the effect to increase the business in that article fourfold. It has also given an impetus to the manufacture of bricks. This rail-road

was then extended by the Fitchburg Rail-road Company, which has now availed itself of its right to purchase it. Thus the Charlestown Branch Rail-road Company, in having been the first link in that long and still extending chain of rail-road communication, which is to connect more intimately our metropolis with New Hampshire, Vermont, Lake Champlain and Montreal, may well boast of having done the State some service in aiding to develop her resources and increase her wealth.

All which is respectfully submitted.

JAMES DANA,  
G. WASHINGTON WARREN,  
S. S. LITTLEHALE,  
SAMUEL HENSHAW,  
JAMES GOULD,  
ISAAC D. FARNSWORTH,  
HENRY S. JAQUES,  
CALVIN W. CLARK.

*January, 1846.*

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MIDDLESEX, ss. *January 12, 1846.* Then, G. Washington Warren, S. S. Littlehale, Samuel Henshaw, James Gould, Isaac D. Farnsworth, Henry S. Jaques and Calvin W. Clark, severally appeared and made oath that the foregoing report was true, according to the best of their knowledge and belief.

Before me,

JAMES DANA, *Justice Peace.*

MIDDLESEX, ss. *January 12, 1846.* Then James Dana made oath that the foregoing report was true, according to the best of his knowledge and belief.

Before me,

G. WASHINGTON WARREN,  
*Justice of the Peace.*

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Articles of Agreement made and concluded this first day of September, in the year eighteen hundred and forty-five, by and between the Charlestown Branch Rail-road Company of the first part, and the Fitchburg Rail-road Company of the second part, both Corporations duly established by the Legislature of the Commonwealth of Massa-

chusetts: Whereas, by the second section of their act of incorporation, passed on the third day of March, A. D. 1842, the said Fitchburg Rail-road Company were authorized "to make such arrangements with the said Charlestown Branch Rail-road Company, either by a purchase of a part or the whole of the said rail-road, or by a lease of the same, as may be mutually agreed upon." And, whereas, in part pursuance thereof, the said Fitchburg Rail-road Company, prior to the completion of their road, have purchased a portion of said rail-road, by an instrument, made and executed by the parties hereto, on the fourth day of May, A. D. 1843, reference thereto being had: And, whereas, it is now found to be necessary, from the growing business upon the two roads, that the same should be united, and the business thereon be conducted under one Corporation; and it has, therefore, been deemed advisable that the said Fitchburg Rail-road Company should have the exclusive use and control of the whole rail-road of the said Charlestown Branch Rail-road Company, including the road furniture and other property, and privileges appurtenant thereto:—

Now, therefore, this agreement witnesseth, that the said Charlestown Branch Rail-road Company doth hereby lease and demise to the said Fitchburg Rail-road Company, their successors and assigns, the whole of the rail-road of the said Charlestown Branch Rail-road Company, not heretofore sold as aforesaid, extending from Swett's Wharf in Charlestown, to Cambridge and West Cambridge, including all the lateral branches, together with all the turnouts, switches, turn-tables, buildings and other fixtures; the extent and situation of said rail-road to be defined according to the several locations heretofore filed by the said Charlestown Branch Rail-road Company, with the County Commissioners of the County of Middlesex. Also, all the several parcels of land now belonging to the said Charlestown Branch Company, which are situated in the towns of Somerville and Cambridge, and not included in the several locations aforesaid. Also, all their right and interest in and to all streets laid out by the Charlestown Wharf Company in Charlestown. Also, a small strip of land, being a portion of the land for which the said Charlestown Branch Company have made a contract with the Commonwealth aforesaid, situate in said Charlestown, east of Prison Point Bridge, and south of the said rail-road, and running southerly on said rail-road, from said bridge, to land of said Fitchburg Rail-road Company, and fifteen feet wide, so that with this strip, and with the present road of said Fitchburg Company, the whole rail-road shall be forty feet wide east of said bridge, across the

land purchased of the Commonwealth. Also, all the rail-road furniture and other personal property of the said Charlestown Branch Company, composing a part of their capital stock—all of which is duly inventoried and appraised in the schedule thereof hereto annexed, and signed by Samuel M. Felton and George A. Parker, the superintendents of the two Companies, parties hereto, (meaning hereby to lease to said Fitchburg Rail-road Company, all the property of the said Charlestown Branch Company, of every description whatsoever, both real and personal, whether the same be particularly described herein or not, with the following exceptions only :—The lot of land lying at the head of Gray's Wharf in Charlestown, containing about 13,900 square feet, and conveyed by the Charlestown Wharf Company by deed, dated A. D. 1844—the land and flats contracted for by the said Charlestown Branch Rail-road Company with said Commonwealth, other than the small strip fifteen feet wide, aforesaid. Also, all the bills and notes receivable, and all other debts and claims now due to the said Charlestown Branch Company.)

To have and to hold the same, all and singular, to the said Fitchburg Rail-road Company, their successors and assigns, for the full term of ninety-nine years from the date hereof, they yielding and paying therefor the sum of fifteen thousand four hundred and eighty dollars per annum, and all taxes and rates of every description that may hereafter be legally levied on said rail-road and appurtenances, by any competent authority, and also keeping the said rail-road and all bridges over the road, and all other property in good order and condition.

And the said Fitchburg Rail-road Company do hereby covenant and agree for themselves, their successors and assigns, to pay to the said Charlestown Branch Rail-road Company, their successors or assigns, the said sum for each and every year, in equal semi-annual payments of seven thousand seven hundred and forty dollars on each first day of March and of September during said term, the first payment to be made on the first day of March next, and all rates and taxes as aforesaid; and at the end of said term, to deliver up to the said Charlestown Branch Rail-road Company, their successors or assigns, the whole road, lands, buildings, and all fixtures and appurtenances of a permanent nature in absolutely as good order and condition as the same now are, or make good the deficiency in money, and to pay over to them in cash the full appraised value of all the other personal property hereby demised, and not delivered up as aforesaid.

And the said Fitchburg Rail-road Company do hereby further cove-

nant and agree to indemnify and save harmless, during the whole of said term, the said lessors, their successors and assigns, from all liability whatsoever, on account of any casualty or disaster on the line of said road and of its branches, whether from collision, from fire set by their locomotives, from defect of road, negligence, or from any other cause, and from all liability that may be incurred by the non-observance of any law now in force or that may be hereafter in force. This provision is not to apply to any casualty prior to this date.

And whereas the said Charlestown Branch Rail-road Company have now built a sea wall across the rail-road bridge on the line of the flats adjacent to the State Prison yard, and are now proceeding to fill up the said flats under and near said rail-road bridge, and included in the location of said rail-road, and are proceeding to make solid the same, the said Fitchburg Rail-road Company do hereby further agree to pay to the said Charlestown Branch Rail-road Company the proportionate part of the cost of making that portion of said road solid, forty feet wide, the cost thereof to be estimated by the engineers aforesaid, and to be paid on demand when the work shall be completed. And it is further covenanted and agreed, by the parties hereto, that the said Fitchburg Rail-road Company shall have the right at any time, within three years from this date, of electing to purchase the whole of the property, hereby leased, for the sum of two hundred and fifty-eight thousand dollars in cash; and if, at any time within three years from this date, the Fitchburg Rail-road Company shall give notice, in writing, of their election to purchase, as aforesaid, the said Charlestown Branch Rail-road Company shall, within six months from the time of receiving said notice, and upon payment to them of said sum of two hundred and fifty-eight thousand dollars, convey, by a good and sufficient deed with an unincumbered title, all the road and property of every description, hereby leased to the said Fitchburg Rail-road Company; and in such case, also, the said Charlestown Branch Rail-road Company will assign their charter, franchise, and corporate privileges to the said Fitchburg Rail-road Company, and all rent shall thereupon cease;—but the former company may reserve to themselves the right, under their charter, of settling up their affairs, and of disposing of their other property for a sufficient period, not to exceed three years from the date of this instrument.

The said Charlestown Branch Rail-road Company do hereby agree to pay all their existing debts, and to discharge all liabilities now incurred by them, excepting that the said Fitchburg Rail-road Company do

hereby agree to assume the whole cost and expense of straightening the rail-road at the junction of the Lowell road, agreeably to the provisions of the act passed March 16th, A. D. 1844, upon the payment to them, by the said Charlestown Branch Rail-road Company, of the sum of six thousand dollars, upon the execution hereof, the payment of which sum shall entitle the latter company to a full discharge and guaranty against all liabilities incurred now, or hereafter, in consequence of the said straightening, or of any proceedings connected therewith, subsequent to the passage of said act; and excepting, also, that the said Fitchburg Rail-road Company do hereby agree to assume and carry into effect the annexed contract, made with Hubbell and Abbot, the first day of June, A. D., 1844, by the said Charlestown Branch Rail-road Company herewith transferred.

This instrument shall operate as a discharge to the said Fitchburg Rail-road Company from their agreement to pay rent, according to the provisions of the aforesaid instrument, made and executed by the parties hereto on the fourth day of May, A. D. 1843.

In witness whereof, the parties hereto have caused their corporate seals to be affixed, and the hands of their respective presidents, duly authorized, to be set to this instrument and to one other of like tenor and date the day and year above named.

JACOB FORSTER, [SEAL.]  
*President Fitchburg Rail-road Company.*

JAMES DANA, [SEAL.]  
*President Charlestown Branch Rail-road Co.*

Executed in presence of

G. WASHINGTON WARREN.

MIDDLESEX, ss. *September 10th*, 1845. Personally appeared before me, the above named Jacob Forster, the President of the Fitchburg Rail-road Company, and James Dana, President of the Charlestown Branch Rail-road Company, and severally acknowledged the above instrument by them subscribed to be the free act and deed of said companies respectively.

G. WASHINGTON WARREN,  
*Justice of the Peace.*

A true copy of the agreement,

Attest, HENRY L. JAQUES,  
*Clerk Charlestown Branch Rail-road Company.*



**FIRST ANNUAL REPORT**  
**OF THE**  
**CONNECTICUT RIVER RAIL-ROAD**  
**COMPANY.**

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The Directors of the Connecticut River Rail-road Company, respectfully present to the Legislature this their First Annual Report. This company being a consolidation of the Northampton and Springfield Rail-road Corporation, and the Greenfield and Northampton Rail-road Company was duly organized as hereafter stated.

In the month of February last, the Northampton and Springfield Rail-road Corporation made an agreement with the Western Rail-road Corporation for an union of the tracks of the said two companies, and for passenger depot accommodations at Springfield; also for right of way over the lands of the Western Rail-road Company, to unite with the Hartford and Springfield Rail-road, which agreement is annexed to this report. (See Appendix A.)

On the twenty-eighth day of February, 1845, the Northampton and Springfield Rail-road was opened for the transit of passengers and freight to Cabotville, a distance of about 4 miles.

The subscribers to the stock of the Greenfield and Northampton Rail-road Company convened at Greenfield, in pursuance of legal notice, on the 17th day of June, 1845, when it was ascertained that three thousand shares, of one hundred dollars each, had been subscribed. The company was, therefore, duly organized by the choice of seven directors, who subsequently convened at Springfield on the 24th day of June, and organized by the choice of president, treasurer and clerk.

At a subsequent meeting of the stockholders of the Greenfield and Northampton Rail-road Company, held at Greenfield on the eighth day of July, certain terms of union, under authority of a provision to that

effect in their charter, were prescribed and voted for a consolidation of said company, with the Northampton and Springfield Rail-road Corporation, which were ordered to be transmitted to the said last named corporation for their acceptance and ratification. A certified copy was officially transmitted to a meeting of the stockholders of the Northampton and Springfield Rail-road Corporation, held on the evening of the same day at Northampton, and were, by said last corporation, accepted and ratified. A copy of the votes by the Northampton and Springfield Rail-road Corporation accompanies this report, being the same as those passed by the Greenfield and Northampton Rail-road Company. (See B.)

The stockholders of the Connecticut River Rail-road Company held their first legal meeting, in pursuance of the votes passed by both pre-existing companies, in Springfield, on the eighteenth day of July, enacted certain by-laws, and elected a board of seven directors. The directors organized on the same day by choice of president, treasurer and clerk.

The board thus constituted, proceeded to make such revision as they deemed expedient, of the line of their road between Greenfield and Northampton; since which time it has been definitely located, put under contract, and is now in progress of construction. The grading is under contract, to be completed by the first of June next.

The length of line between Northampton and Greenfield, is about nineteen miles. The gradients conform to those on the portion of the road between Northampton and Springfield, none being over 18 feet to the mile. The entire road will be completed early in the fall, and it is hoped that all south of the Deerfield River Bridge will be ready for use somewhat earlier.

The road was opened for use to Northampton on the 13th day of December last, since which time it has been in constant and successful operation, running three trips per day, each way, over the road.

From the 28th February, 1845, to December 13, the length of the road in use was about 4 miles, and the fare for passengers has been 12½ cents. From Dec. 13th to January 1, 1846, the portion of the road in use has been about 17 miles, and the fare charged for that distance is 50 cents, intermediate charges proportionable.

The receipts for passengers up to January 1, 1846, have been, . . . . .	\$10,101 64
The receipts for freight, . . . . .	3,419 42
Total receipts, . . . . .	<u>\$13,521 06</u>

*Expenditures to January 1, 1846.*

For repairs of road, . . . . .	\$881 20
" " engines, . . . . .	208 01
" " cars, . . . . .	49 45
" fuel and oil consumed, . . . . .	1,382 68
" wages of agents and men, . . . . .	2,716 91
" tools and repairs of same, . . . . .	87 48
" stationery and printing, . . . . .	194 07
Total expenditures, . . . . .	<u>5,519 80</u>
Net receipts, . . . . .	<u>\$8,001 26</u>

The whole time of running road has been 10 months,  
1 day.

The whole number of passengers carried between Springfield and Cabotville, up to December 13, about 9½ months, is . . . . .	73,925
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The whole number, between various stations from Springfield to Northampton, from December 13th, to January 1, 1846, is . . . . .	3,439
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Total passengers, for 10 months and 1 day, . . . . .	<u>77,364</u>
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Whole number of miles run by passenger and freight train, is . . . . .	14,616
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Whole number of miles run by other trains, for con- struction and repairs, is . . . . .	652
--	-----

Total miles run, . . . . .	<u>15,268</u>
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The average expense per mile run, has been . . . . .	36,15 <sup>11</sup> / <sub>100</sub> cts.
The average expense per day, has been . . . . .	\$21 36

*Connecticut River Rail-road Treasury, January 1st, 1846.*

Capital stock paid in, . . . . .	\$477,156 50
Superintendent, . . . . .	8,696 15*
Interest, . . . . .	620 34
Bills payable, . . . . .	25,000 00
 Funds on hand, . . . . .	 \$16,428 28
Land and damages, including depot lands, 89,124 12	
Construction, including engines and cars, 256,588 79	
Iron, . . . . .	133,537 75
Preliminary survey, . . . . .	3,748 35
Miscellanies, . . . . .	6,445 70
Bills receivable, . . . . .	5,600 00
	<hr/>
	\$511,472 99
	<hr/>
	\$511,472 99
	<hr/>

*January 1st, 1846.*

ERASTUS HOPKINS,  
E. H. ROBBINS,  
J. K. MILLS,  
HENRY W. CLAPP,  
SAMUEL HENSHAW.

SUFFOLK, ss. *January 26, 1846.* Personally appeared Erastus Hopkins, E. H. Robbins, J. K. Mills, and Henry W. Clapp, above named, and made oath that the foregoing report by them subscribed is, according to their best knowledge and belief, true.

Before me,

J. INGERSOLL BOWDITCH,  
*Justice of the Peace.*

SUFFOLK, ss. *January 27th, 1846.* Personally appeared Samuel Henshaw, above named, and made oath that the foregoing report by him subscribed is, according to his best knowledge and belief, true.

Before me,

J. INGERSOLL BOWDITCH,  
*Justice of the Peace.*

* From this sum of	\$8,696 15
there should be deducted, for estimated expenses for running, for the	
month of December, 1845, . . . . .	694 89
Leaving a balance of	<hr/>
as the net receipts for passengers and freight. . . . .	\$8,001 26

## A

This agreement, made this thirteenth day of February, A. D. 1845, by and between the Western Rail-road Corporation of the first part, and the Northampton and Springfield Rail-road Corporation of the second part, Witnesseth: That the said party of the first part, in consideration of the agreement of the party of the second part, hereinafter named, hereby agrees with the said party of the second part, as follows, viz:

*First.* That they will provide for the Northampton and Springfield Rail-road an appropriate junction with the track of the Western Rail-road at Springfield, by a line east of their machine shop, and such suitable depot accommodations for the passenger business of the party of the second part, as with their means they can reasonably provide, consistently with the transaction of their own business.

*Second.* That they will as soon as is reasonably practicable, purchase additional lands for enlarging their passenger accommodations, and will erect an enlarged building therefor, as soon as they shall have ascertained, by reasonable experience and observation, in what manner, and to what extent, the increasing and prospective wants of the traffic of all the roads shall require such additions, and within such enlarged building they will make provision for the fair accommodation of the passenger business of said party of the second part,—which accommodations shall be accorded to them when needed for the prosecution of their business.

*Third.* But the said party of the first part reserve the right, if the *local* business of the said party of the second part—that of trains not connecting with the regular trains of the party of the first part—seriously interferes with the business of the party of the first part, to provide at their own expense accommodations for such local business, in the nearest convenient place on the grounds of said party of the first part, connecting the same with the main passenger depot by a covered way in the most conveniently practicable manner, where that part of the business shall thereafter be done. Provided, however, that if said change is rendered necessary by the increase of the business of the party of the second part, that party shall pay the expenses of such change.

*Fourth.* The party of the first part will provide by a suitable track

across the lands between the machine shop and new engine house, for a convenient junction of the Northampton and Springfield Railroad with the Hartford and Springfield Railroad; and a second track therefor whenever the business of those two companies shall render it necessary; and will permit the use of the same by the party of the second part for the transit of trains, cars and engines thereon.

*Fifth.* And it is mutually agreed by the parties, that the agents and men of the party of the second part, when on any part of the premises of the party of the first part, shall be subject to the orders of the officers of the said party of the first part, and to the general regulations established for the government of their own men and the police of their grounds.

And the said party of the second part, in consideration of the agreement aforesaid, hereby agree with the said party of the first part, as follows:

*Sixth.* That they will waive and release to the party of the first part, all rights acquired by any past or future location of their road across lands of said party of the first part, to and across the estate of the American House, and thence to and upon the east side of Main street, and will convey to said party of the first part, on demand, by proper instruments, any such rights of location across their lands, on a line connecting with the Hartford road, subject to the above provision, in the fourth article, for a convenient junction of those two roads, and the use of the tracks therefor.

*Seventh.* That they will pay to the party of the first part an equitable share of the expenses and cost of the enlargements specified in the second article above, when completed; and also of other costs and expenses incurred for their accommodation with their consent heretofore or hereafter, not including the track laid from the depot yard north of the passenger house to and across Main street. Such equitable shares to be determined in proportion to the accommodations afforded to both companies.

*Eighth.* In case of disagreement between the parties as to the equitable share to be paid, as provided in the third and seventh articles above, the said difference or differences shall, from time to time, as they occur, be left to the decision of three arbitrators, mutually chosen, whose award shall be binding.

In testimony whereof, the said parties have caused this agreement to be signed by their respective agents, thereto duly authorized, the day and year first above mentioned, each having a copy.

The Western Rail-road Corporation,  
(Signed,) By GEORGE BLISS, *Agent and Attorney.*

The Northampton and Springfield Rail-road Corporation,  
(Signed,) By ERASTUS HOPKINS, }  
E. H. ROBBINS, } *Committee.*  
PHILIP RIPLEY, }

*Voted*, That the stockholders of the Northampton and Springfield Rail-road Corporation, and of the Greenfield and Northampton Rail-road Company, become stockholders in one corporation, under the name of the "Connecticut River Rail-road Company," and that said corporations be united in said last named corporation, according to the provisions of the 8th section of the act of the Legislature, entitled "an act to incorporate the Greenfield and Northampton Rail-road Company," and that the stockholders shall hold in said Connecticut River Rail-road Company, to the amount of their shares in either or both of said companies—the assessments to be made equal on all the shares.

*Voted*, That all assessments by either company, previous to said union, shall be valid, and any remaining then unpaid, shall be paid to the treasurer of the new company, according with the terms of subscription to the respective companies.

*Voted*, That the interest on the stock of each corporation shall be computed up to the time of the completion of the road of the said new company, and the Directors of the Connecticut River Rail-road Company shall pay interest to any stockholder demanding the same on the first day of January, 1846, or such portion of his stock, as shall have been paid in twelve months.

*Voted*, That the officers of each corporation shall hold their offices till the officers of the said Connecticut River Rail-road Company are elected, and that the by-laws of each corporation, except so far as modified at this meeting, shall continue in force until the adoption of by-laws by the new company.

*Voted*, That the first meeting of said new company be held at Springfield, on the 18th day of July instant, at 8 o'clock, P. M., at the Massasoit House, for the purpose of organizing said new company, adopting by-laws, choosing officers, and doing any other business that may come before the meeting,—to be called by the clerks of the respective companies.

TENTH ANNUAL REPORT  
OF THE  
EASTERN RAIL-ROAD  
CORPORATION.

*To the Honorable the Senate and the House of Representatives of the  
State of Massachusetts :*

The Directors of the Eastern Rail-road Corporation, beg leave to submit their Tenth Annual Report.

The cost of constructing the road, including engines, cars, &c., was, on the 31st Dec. 1844, . . .	\$2,158,792 13
For additional cars and engines, and for land and other claims not before settled, there has been paid in 1845, . . . . .	33,949 90
Total, Dec. 31, 1845, . . . . .	\$2,192,742 03

There has also been paid during the year on the following open accounts, as follows :—

2d track, Boston to Salem, . . . . .	\$2,586 86
Gloucester Branch, . . . . .	12,142 36
E. Boston improvements, . . . . .	8,383 16
Salem depot " . . . . .	2,669 66
	\$25,782 04
	\$2,218,524 07

The property on hand, not required for the use of the road, consisting of real estate, notes receivable, and other effects, amounted 31st Dec., 1845, to . . .	\$253,036 94
	\$2,471,561 01



Amount brought forward, . . . . .	\$2,471,561 01
The capital stock consists of 18,000 shares, \$1,800,000	
State scrip, . . . . .	500,000
	<hr/>
	2,300,000 00
	<hr/>
	\$171,561 01

Provided for from	
Sinking fund, . . . . .	\$66,960 34
Renewal fund, . . . . .	18,897 94
Surplus of income account, (after de- ducting dividends,) . \$25,650 94	}
Less stock to new account, 22,855 54	
	2,795 40
Sundry accounts, . . . . .	82,907 33
	<hr/>
	\$171,561 01
	<hr/>

The receipts from the business of the road have been	
from 690,060 passengers, . . . . .	\$297,440 28
Merchandise transportation, . . . . .	39,933 26
Mail " . . . . .	9,693 50
Incidental " . . . . .	3,082 51
	<hr/>
	\$350,149 55

The expenditures have been for	
Repairs of the road and bridges, . . . . .	\$19,743 73
" of engine and cars, . . . . .	13,007 45
Oil for engines, . . . . .	1,970 95
" cars, . . . . .	783,65
Fuel for engines, . . . . .	24,174 43
All other expenses, . . . . .	57,159 79
	<hr/>
	\$116,840 00
	<hr/>

Net earnings, . . . . .	\$233,309 55
Number of miles run by trains, 218,583	
Expenses per mile, 53,341.	
Receipts from rents, . . . . .	\$6,106 34
Profit on land sold above valuation, . . . . .	6,960 34
	<hr/>
	\$13,066 68
	<hr/>
	\$246,376 23
Paid interest to State, . . . . .	25,000 00
	<hr/>
	\$221,376 23

Paid dividends to E. R. R. of profits, to			
June 30th, 18,000 shares at \$4 per share,	\$72,000	00	
Dec. 31, " " " "	72,000	00	
	<u>\$144,000</u>	00	
To E. R. Road in New Hampshire,			
June 30, 4,825 at \$4,	\$19,300	00	
Dec. 31, 4,825 at \$4,	19,300	00	
	<u>\$38,600</u>	00	
			<u>\$182,600</u>
			338,776 23
Surplus per report for 1844,			87,048 11
			<u>\$125,824</u>
From which has been appropriated			
To sinking fund,	\$66,960	34	
" renewal "	32,000	00	
	<u>\$98,960</u>	34	
Leaving surplus of income,			\$26,864 00
From which deduct arrears of interest paid,			1,213 06
			<u>\$25,650</u>
			66,960 34
The whole sinking fund remaining entire,			18,897 94
Unexpended balance of renewal fund,			<u>\$111,509</u>
			22
Total surplus earnings of road,			

The operations of the road have been attended with no casualties of importance.

Confiding in the integrity and honor of the government, from which this company derives its chartered powers, for the security of the property which has been invested in this road, and desirous of meeting the wishes of the travelling public, the directors reduced the fares in April last, about twenty per cent. Following out this course, it will be the policy of this company to give to the community, either in increased security, or more ample accommodation, or in reduced fares, whatever advantage it may hereafter derive from any increase in its business or decrease of its expenses. In accordance with these views, a double track will be completed between Boston and Salem as soon as the iron rails can be procured, the whole distance being graded for that purpose.

To extend the facilities of rail-road communication to the extreme point of the northern shore of Massachusetts Bay, the company are now actively engaged in constructing a branch to Gloucester, under the charter granted therefor by the last Legislature. Similar means of opening the advantages of this road to the towns in its immediate proximity, will, undoubtedly occur, without interfering with the rights of other parties; and should it appear to be the policy of the State to encourage such enterprises, the Eastern Rail-road Company will be willing to do their full share in carrying it into execution.

D. A. NEAL,  
ISAIAH BREED,  
JOHN HOOPER,  
DANIEL ADAMS, Jr.,  
JOHN BRYANT, Jr.,  
JNO. ELIOT THAYER.

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SUFFOLK, ss. *Boston, Jan. 12th, 1845.* Then personally appeared the above named D. A. Neal, Isaiah Breed, John Hooper, Daniel Adams, Jr., John Bryant, Jr., John E. Thayer, and acknowledged the foregoing instrument by them subscribed, to be true, according to their best knowledge and belief.

Before me,

B. T. REED, *Justice of the Peace.*

SECOND ANNUAL REPORT  
OF THE  
**FALL RIVER BRANCH**  
**RAIL-ROAD COMPANY.**

*To the Honorable the Legislature of the Commonwealth of Massachusetts ;*

The Directors of late Fall River Branch Rail-road Company, present their Second Annual Report of their acts and doings as required by law.

On the 1st day of January, 1845, there had been paid to the treasurer on account of assessments, as stated in the first annual report, . . . . . \$83,305 00

The amount paid to treasurer on account of assessments, from January 1st, to August 8th, 1845, . . . . . 99,695 00

Total amount of capital paid in, . . . . . \$183,000 00

Amount of expenditures for construction of road to the 1st day of January, 1845, as stated in first annual report, . . . . . \$83,305 00

Amount expended for construction from January 1st, to August 8th, 1845, . . . . . 110,425 65

Total amount of expenditures, . . . . . \$193,730 65

The road was so far completed as to be opened for travel on the 9th June, 1845.

On the 8th of August, 1845, agreeably to a vote passed at a meeting of the corporation called for that purpose, the rights, interests and franchises of the Fall River Branch Rail-road Company, were trans-

ferred to the "United Corporation of the Middleborough Rail-road Corporation with the Fall River Branch Rail-road Company and the Randolph and Bridgewater Rail-road Corporation."

ANDREW ROBESON,  
M. H. RUGGLES,  
JEFFERSON BORDEN,  
WM. R. RODMAN,  
NATHAN DURFEE,  
RICHARD BORDEN.

FALL RIVER, *February 3d*, 1846.

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BRISTOL, ss. *February 3d*, 1846. Then personally appeared the within named M. H. Ruggles, Jefferson Borden, Nathan Durfee, and Richard Borden, and made oath, and at the same time the within named Andrew Robeson and Wm. R. Rodman made solemn affirmation, that the within statement, by them subscribed, is true according to their best knowledge and belief.

Before me,

DAVID PERKINS,  
*Justice of the Peace.*

FOURTH ANNUAL REPORT  
OF THE  
**FITCHBURG RAIL-ROAD**  
COMPANY.

*To the Legislature of Massachusetts, January, 1846 :*

The Directors of the Fitchburg Rail-road Company respectfully submit their Fourth Annual Report, as follows :—

Cost of construction, road, furniture, &c., to January 1, 1846, . . . . .	\$1,416,861 10
Interest paid, and due stockholders, and charged to construction, . . . . .	60,615 93
	<hr/>
	1,477,477, 03
Whole amount of capital stock paid in to January 1, 1846, . . . . .	1,322,500 00
	<hr/>
	154,997 03

New stock is to be created for this balance, and for other purposes, after deducting the available means of the company, which are estimated at \$77,820 69.

*Earnings and Expenses of the Road.*

Transportation of passengers from January 1st, 1845, to January 1st, 1846, . . . . .	\$100,817 22
Transportation of merchandise, &c., from January 1st, 1845, to January 1st, 1846, . . . . .	99,996 97

Rents, mail, &c., from January 1st, 1845, to January 1st, 1846,	\$3,182 17
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Gross earnings,	\$203,996 36
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*Expenses.*

Fuel, oil, salaries, miscellaneous expenses, &c.,	\$70,128 89
Repairs of engines, cars, &c.,*	4,495 72
Rents,	562 50
Repairs of road,	3,146 65
	<hr/> \$78,333,76

Net earnings from January 1, 1845, to January 1, 1846,	\$125,662 60
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The Accounts for Dividends are made up to February 1st, and August 1st.

A dividend of four per cent. was declared, and paid August 1st, 1845. Amount of net earnings previous to January 1st, 1845,

to credit of contingent fund,	\$27,073 77
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Whole number of through and way passengers, carried from January 1st, 1845, to January 1st, 1846, one hundred and ninety-six thousand and six hundred and sixty-nine.

More than two thirds of the whole business of the road is way business.

The number of miles run by the engines from January 1st, 1845, is one hundred sixty-seven thousand, eight hundred and sixteen.

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\* The salaries of the master machinist, the engine-men and firemen appear above, under the head of miscellaneous expenses. As they are all employed more or less on repairs, a portion of their time is properly chargeable to repairs of cars and engines. Such a division would increase that item \$2,248 31, and diminish miscellaneous expenses by the same amount.

The charge for repairs of road will be somewhat larger for the future, and fuel and oil somewhat less per mile run. The fuel for the first part of the year was necessarily purchased in small quantities, and at high prices. The company have now a large stock on hand, purchased at lower rates, and of better quality. The amount of oil consumed the past year was very large, owing to the great number of new cars that were put on to the road. This item the past year has amounted to \$5,666 45, and appears in miscellaneous expenses. The track is now new, and the repairs of the road will be somewhat large in future. During the past year, from January 1st, 1845, to January 1st, 1846, the whole number of tons of freight loaded and unloaded, including ship timber and wood, has been sixty-three thousand five hundred and eighteen 650-1000 tons.

The first six months, 77,348

The last six months, 90,468

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167,816 miles.

Passenger trains, 110,229

Freight and gravel do, 57,587

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167,816

Cost of running per mile, forty-three  $\frac{13}{100}$  cents.

The road was opened for use to Fitchburg on the fifth day of March last, and has been run since that time without interruption.

The substantial stone depots at Fitchburg have been completed ; the passenger depot is 200 feet long, and 52 feet wide ; the freight depot is 250 feet long, and 52 wide.

In August last, the Directors negotiated with the stockholders of the Charlestown Branch Rail-road, for a lease of their road, or for a purchase of the same, at eighty-six dollars per share, which was subsequently ratified by the stockholders of this company, since which the Directors have voted to purchase on the terms of the contract, and to create new stock, for that and other purposes. For a copy of the contract, they refer you to the report of the Charlestown Branch Rail-road Company, January, 1846. They would further state, that during the past year, they have purchased the estates known as Dutton's and Thompson's wharves, situated between their depots and the Warren Bridge, a portion of which they have filled up, and on the remainder they have erected a substantial wharf, the timbers of which are laid below high-water level, and covered with mud from the flats, with a surface of good gravel. They have likewise completed the second track for five miles from Charlestown, and are now using it for the passage of the freight trains, and when the straightening at the Lowell Rail-road is completed, it will be used by the passenger trains likewise.

A contract has been made for filling up all the remaining flats belonging to the company, at favorable rates, to be completed within eighteen months ; when this is done, the whole area of wharves and lands about the depots in Charlestown, will be from seventeen to eighteen acres, the whole bordering on Charles River, so that vessels of the largest size can come up, load or unload their cargoes, on or off from the cars.

The length of the road from Block Island, in West Cambridge, to Fitchburg, is 44  $\frac{2}{100}$  miles, of which 31  $\frac{1}{100}$  miles are straight, and



13  $\frac{2}{10}$  miles curved. The smallest curve has a radius of 818 feet; this being at a depot, where the trains run at a low speed, is not so objectionable as at a place where a higher rate of speed would be required. The curves are so arranged as to admit a high rate of speed, excepting at or near the depots.

There are ninety-eight planes on the road, twenty-seven of which are level, and seventy-one of which are inclined from 2  $\frac{9}{10}$  to 40 feet per mile, which is the maximum grade, and occurs in four instances, being in the aggregate 5  $\frac{73}{100}$  miles. The whole length of the road from the depot in Charlestown to the depot in Fitchburg, is 49  $\frac{363}{1000}$  miles.

Such has been the amount of freight on the road, that the directors have been obliged to order new cars and engines, much beyond any former estimate,—when the cars already contracted for shall have been delivered, the road furniture will be as follows, viz. :

*On the Fitchburg Rail-road.*

- 3 six-wheeled locomotives from 10 to 12 tons each.
  - 6 eight “ “ from 17  $\frac{1}{2}$  to 20 “ “
  - 12 sixty-four passenger cars, equal to 768 seats.
  - 3 eight-wheeled baggage cars, and second class passenger, do.
  - 37 “ “ covered freight cars.
  - 34 “ “ platform “ “
  - 14 four-wheeled covered “ “
  - 24 “ “ platform “ “
  - 32 “ “ coal and gravel do.
- The whole being equal to 212 four-wheeled freight cars.
- 2 four-wheeled snow ploughs.

*On the Fresh Pond Branch.*

- 2 six-wheeled locomotives, 10 tons each.
  - 1 four-wheeled “ 13 tons.
  - 4 eight-wheeled passenger cars.
  - 1 four-wheeled “ “
- Equal to 248 seats.
- 108 four-wheeled freight cars.
  - 6 “ “ coal or gravel cars.
- Equal to 114 four-wheeled freight cars.
- 1 four-wheeled snow-plough.

It will be seen from the foregoing that the company will be in a good situation to transport promptly the large and increasing amount of freight that will be likely to offer hereafter. The purchase of the Charlestown Branch Rail-road, it is believed, will be of great service to this company, as it will enable them to do their business with more despatch and safety than heretofore, when two companies occupied the road jointly. Besides, it is believed, with a fair crop of ice, the Fresh Pond Branch will pay the expenses, and a dividend quite equal to the Fitchburg Rail-road, as it is evident that both roads can be much more economically managed together, than separately.

All of which is respectfully submitted, by

JACOB FORSTER,  
ABEL PHELPS,  
WINTHROP E. FAULKNER,  
DAVID LORING,  
ISRAEL LONGLEY,  
HORATIO ADAMS,  
E. HASKET DERBY,  
N. F. CUNNINGHAM,

*Directors.*

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SUFFOLK, ss. *Boston, Jan. 21, 1846.* Then personally appeared Jacob Forster, Abel Phelps, Winthrop E. Faulkner, David Loring, Israel Longley, and Horatio Adams, and made oath that the above statement, by them subscribed, is true according to the best of their knowledge and belief.

Before me,

JOHN J. LORING,

*Justice of the Peace.*

SUFFOLK, ss. *Jan. 21, 1846.* Personally appeared the above-named E. H. Derby, and made oath that the above statement is true, according to his best knowledge and belief.

Before me,

H. WELD FULLER,

*Justice of the Peace.*

SUFFOLK, ss. *January 21, 1845.* Personally appeared the above-named N. F. Cunningham, and made oath that the above statement is true, according to his best knowledge and belief.

Before me,

ABEL PHELPS,

*Justice of the Peace.*

THIRD ANNUAL REPORT  
OF THE  
HARTFORD AND SPRINGFIELD  
RAIL-ROAD CORPORATION.

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*To the Legislature, January, 1846.*

THE Directors of the Hartford and Springfield Rail-road respectfully submit a report of the proceedings, receipts and expenditures of the Corporation to January 1, 1846.

The capital stock of the corporation remains as at the last annual report.

There has been expended during the year, in the further construction of the road, . . . . . \$44,852 67

Number of passengers over the road, from December 5, 1844, to January 1, 1846, . . . . . 81,103

Amount received for freight, between Springfield and all stations on the road to New Haven, same time, . . . \$25,816 52

The road has been operated by the Hartford and New Haven Rail-road Company, at an estimated expense of . . . \$7,500

The number of miles run by locomotive engines is :

Passage train, . . . . .	9,490
Merchandise train, . . . . .	4,069
Miscellaneous, . . . . .	1,000

All of which is respectfully submitted,

CHESTER W. CHAPIN,  
DAVID WATKINSON,  
CHARLES F. POND,  
*Directors.*

STATE OF CONNECTICUT.

HARTFORD COUNTY, ss. *Hartford, January 26th, 1846.* Personally appeared Chester W. Chapin, David Watkinson, and Charles F. Pond, Directors of the Hartford and Springfield Rail-road Corporation, and made solemn oath that the foregoing report, by them subscribed, is true according to their best knowledge and belief.

WILLIAM N. MATSON,

*Justice of the Peace.*

FIRST ANNUAL REPORT  
OF THE  
LEXINGTON AND WEST CAMBRIDGE  
RAIL-ROAD CORPORATION.

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*To the Honorable, the Legislature of the Commonwealth of Massachusetts :*

THE Directors of the Lexington and West Cambridge Rail-road Corporation, in compliance with the laws of the Commonwealth, respectfully submit their First Annual Report :—

On the 7th of July last, the corporation was organized by the adoption of by-laws and the choice of nine directors, it being then ascertained that \$105,500 had been subscribed—being a near approach to the estimated cost of the road, without the furniture, as furnished by their skilful engineers, and subsequently one hundred and fifty shares were taken, and the work of graduation commenced on the 20th of August. On the 9th of July, the directors met and completed their organization by the choice of a president, treasurer and clerk. The required bonds were given by their treasurer, and the clerk duly qualified.

Acting under the instructions given by the stockholders, at their meeting, the directors proceeded very shortly to put the road under contract, which was secured upon mutually favorable terms, by an able, experienced and responsible contractor, and the work is under good state of progress. Contracts have also been made for the materials for the track, and the directors are confident in the belief that the road will be completed and opened for use during the summer of the present year.

The weight of rail adopted and contracted for, is 56 lbs. to the yard, and the character of construction is intended to be of that permanence which true economy demands in view of the probable business of the road.

Three assessments, now payable, of ten dollars upon each share of the capital stock have been made by the directors.

*Financial.*

The receipts from stockholders have been	\$21,910 00
Interest,	19 79
	<hr/> \$21,929 79 <hr/>

The expenditures have been as follows :—

Incidental expenses,	\$152 58
Preliminary surveys, &c.	190 97
Construction,	7,649 11
Engineering,	2,015 34
Land and damages,	2,123 93
Salary of treasurer,	79 99
Cash in Bunker-hill Bank,	8,217 63
Cash in Concord Bank,	1,440 00
Cash, treasurer,	60 24
	<hr/> \$21,929 79 <hr/>

Which is respectfully submitted,

BENJAMIN MUZZEY,  
SAMUEL CHANDLER,  
JAMES GOULD,  
SAMUEL BUTTERFIELD,  
JOHN SCHOULER,  
LARKIN TURNER,  
G. WASHINGTON WARREN.

MIDDLESEX, ss. *January 5th, 1846.* Then personally appeared the above named Benjamin Muzzey, Samuel Chandler, James Gould, Samuel Butterfield, John Schouler, Larkin Turner, and made oath that the above report, by them subscribed, was true according to their best knowledge and belief.

Before me,

G. WASHINGTON WARREN,  
*Justice of the Peace.*

MIDDLESEX, ss. *January 5th, 1846.* Personally appeared the above named G. Washington Warren, and made oath that the above report, by him subscribed, was true according to his best knowledge and belief.

Before me,

BENJAMIN MUZZEY,  
*Justice of the Peace.*

FIRST ANNUAL REPORT  
OF THE  
UNITED CORPORATION

OF THE  
MIDDLEBOROUGH RAIL-ROAD CORPORATION WITH  
THE FALL RIVER BRANCH RAIL-ROAD COM-  
PANY, AND RANDOLPH AND BRIDGEWATER  
RAIL-ROAD CORPORATION.

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*To the Honorable Legislature of the Commonwealth of Massa-  
chusetts :*

The Directors of the United Corporation of the Middleborough Rail-road Corporation, with the Fall River Branch Rail-road Company, and the Randolph and Bridgewater Rail-road Corporation, respectfully submit their First Annual Report.

On the 8th day of August, 1845, a union of the stocks of the Middleborough, Fall River Branch, and Randolph and Bridgewater Rail-road Corporations, was consummated by the organization of the "United Corporation," &c.: and all the rights, interests and franchises of each corporation transferred to said United Corporation, under the powers granted to the said Middleborough Rail-road Corporation, by its charter.

By-laws were adopted, and a board of thirteen directors chosen.

The road from Fall River to Myrick's station, is in operation, and from thence to Braintree, is under contract and the work progressing.



The amount of capital paid in, as stated in the report of the directors of the F. R. Br. R. Co., to the 8th of August, 1845, the date of the union, was . . . \$183,000 00

Amount of capital paid in from August 8th, 1845, to January 1st, 1846, was . . . 132,460 00

Total amount paid in to January 1st, . . . \$315,460 00

Deduct for amount refunded to stockholders under the provisions of the act of incorporation, . . . 35,000 00

Leaving the amount of actual capital paid in, . . . \$280,460 00

Amount of expenditure to August 8th, 1845, as stated in report of the directors of F. R. B. R. Co., was 193,730 65

Amount of expenditure from August 8th to January 1st :—

For construction account, . . . \$114,466 06

“ interest “ . . . 9,608 68

Total amount of expenditure to January 1st, 1846, \$317,805 39

The transportation department has earned, to the 1st of January, 1846 :—

For transportation of passengers, . . . \$13,279 11

“ “ of merchandise, . . . 2,227 11

“ “ of miscellaneous, . . . 290 50

And has expended for repairs of road to January 1st, 1846, . . . \$1,406 08

For repairs of engines and cars, . . . 725 80

For services, fuel, oil and miscellaneous, . . . 6,074 05

The number of miles run by engines

With passenger trains, . . . 12,340

“ merchandise trains, . . . 349

“ passenger and merchandise trains, . . . 4,114

“ gravel trains and extras, . . . 997

Total number of miles run by engines, . . . 17,800 miles.

All which is respectfully submitted.

ANDREW ROBESON,  
ROYAL TURNER,  
EDWARD SOUTHWORTH,  
JEFFERSON BORDEN,  
M. H. RUGGLES,  
NATHAN DURFEE,  
PETER H. PEIRCE,  
DION BRYANT,  
WM. R. RODMAN,  
ELISHA TUCKER,  
RICHARD BORDEN.

FALL RIVER, February 3d, 1846.

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BRISTOL, ss. *February 3d, 1846.* Then personally appeared, the within named Royal Turner, Edward Southworth, Jefferson Borden, M. H. Ruggles, Nathan Durfee, Peter H. Peirce, Dian Bryant, Elisha Tucker, Richard Borden, and made oath—and at the same time the within named Andrew Robeson and Wm. R. Rodman, made solemn affirmation, that the within statement, by them subscribed, is true according to their best knowledge and belief.

Before me,

DAVID PERKINS,  
*Justice of the Peace.*

TENTH ANNUAL REPORT  
OF THE  
NASHUA AND LOWELL  
RAIL-ROAD CORPORATION.

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*To the Honorable Legislature of the Commonwealth of Massachusetts :*

The directors of the Nashua and Lowell Rail-road Corporation hereby submit their Tenth Annual Report of their acts and doings, receipts and expenditures, under their acts of incorporation, from October 31, 1844, to November 1, 1845.

The total amount of capital stock paid in, is \$500,000 00,—\$120,000 of which has been paid in during the past year, and expended, in part, in constructing a second track, which, since our last annual report, the stockholders of the road, at a special meeting called for that purpose, in consequence of the increased and increasing business over the road, voted to construct over their road from its junction with the Concord, to its union with the Boston and Lowell road at Lowell. This improvement was considered of great public utility, in view, not only of the safety and facility of the present business of the road, but almost indispensable in regard to the extension of this line of road to the North, which, since that time, has been put under contract, and is now in process of construction. Our second track not being entirely completed at the time of making up this report, and of course being unable to give the total amount of expenditure thereon, we reserve that for our next annual report.

The amount of receipts the past year, is—

From passengers, . . . . .	\$53,007 28
“ merchandise, . . . . .	54,632 04
“ miscellaneous, . . . . .	5,041 57
	<hr/>
	\$112,680 89

The current expenses during the past year, are—

For repairs of road, . . . . .	\$8,831 98
“ “ of engines and cars, . . . . .	12,280 95
“ fuel, oil, salaries and other miscellaneous expense, . . . . .	26,897 01
	<hr/>
	\$48,009 94

The number of miles run by our locomotives during the past year, have been as follows :

With passenger trains, . . . . .	28,560 miles.
“ merchandise trains, . . . . .	10,140 “
“ miscellaneous trains, . . . . .	4,365 “
	<hr/>
	43,065 miles.

During the past year, there has been divided from the profits \$63,000,—being two dividends, one of ten and the other of five per cent.—six per cent. of which was from the reserved profits of former years ; the whole amount of dividends since the completion of the road, being less than ten per cent.

A reduction of about twenty per cent. on passenger fare and freight was made the preceding year, and a further reduction of 20 per cent. on passenger fare took place on the 1st November last.

The earnings since the opening of the road, to May 1st,

1845, have been . . . . .	\$630,699 11
From which deduct expenses in the same period, . . . . .	397,334 32
	<hr/>
Leaving as net earnings, . . . . .	\$233,364 79

Of which, in proportion to cost of road, belongs—

To Massachusetts, . . . . .	\$132,606 19
“ New Hampshire, . . . . .	100,758 60
	<hr/>
	\$233,364 79

All of which is respectfully submitted.

DANIEL ABBOT,  
THOMAS B. WALES,  
CHARLES F. GOVE,  
JESSE BOWERS,  
HENRY TIMMINS,

December 24, 1845

*Directors.*

## COMMONWEALTH OF MASSACHUSETTS.

SUFFOLK, ss. Dec. 24, 1845. Then personally appeared Daniel Abbot, Thomas B. Wales, Jesse Bowers, Charles F. Gove, and Henry Timmins, and made oath that the foregoing Report by them subscribed, is, in their belief, true.

Before

NATHAN CARRUTH,

*Justice of the Peace.*

SEVENTH ANNUAL REPORT  
OF THE  
NEW BEDFORD AND TAUNTON  
RAIL-ROAD CORPORATION.

*To the Honorable the Legislature of the Commonwealth of Massachusetts :*

The Directors of the New Bedford and Taunton Rail-road Corporation, do hereby make their Seventh Annual Report, of their acts and doings, receipts and expenditures, under their act of incorporation, to 31st December, 1845.

Amount of capital stock, . . . . \$400,000 00

*Expenditures.*

Amount expended on the cost of road at the time of the last annual report, .	\$396,510 18	
Since which time there has been paid for land, buildings, &c. &c., .	13,962 51	
	<hr/>	410,472 69
Amount paid for $\frac{3}{4}$ parts of engines, cars, &c., at the time of last annual report, .	\$34,451 52	
Amount expended since, .	8,699 08	
	<hr/>	43,150 60
Whole cost of road, engines and cars, .	<hr/>	<u>\$453,623 29</u>

The receipts during the year, ending 31st December, 1845, have been as follows :—

80 NEW BEDFORD AND TAUNTON RAIL-ROAD. [Feb.

Amount received for transportation of passengers,	52,659 42
“ “ merchandise,	17,586 46
“ “ U. S. mail,	2,025 00
“ for rent, interest, &c. &c.,	597 08
“ from Taunton Branch Rail-road Corporation, under our agreement with them of 1st November, 1839,	5,343 16
	<u>\$78,211 12</u>

The expenditures during the year, ending 31st December, 1845, have been as follows :

Improvements and repairs of road,	4,622 01
Repairs of engines and cars,	6,314 97
Fuel, oil, salaries and miscellaneous expenses,	18,446 78
	<u>\$29,383 76</u>

There have been two dividends declared during the year, of  $3\frac{1}{2}$  per cent. each, on the amount of capital \$400,000, say \$28,000.

Statement of the number of miles run by different trains over the road, for the year ending 31st December, 1845 :—

Passenger trains,	34,880 miles.
Merchandise trains,	12,640 “
Clearing tracks of snow,	160 “
Gravel train,	360 “
Total,	<u>48,040 miles.</u>

All of which is respectfully submitted,

JOSEPH GRINNELL,  
GEO. HOWLAND,  
PARDON G. SEABURY,  
W. M. PARKER,  
THOMAS MANDELL,  
MATTHEW LUCE.

BRISTOL, ss. *New Bedford, January 28th, 1846.* Then personally appeared the above named George Howland and made affirmation, and the above-named Pardon G. Seabury, W. M. Parker, Thomas Mandell and Matthew Luce, and made oath that the foregoing report by them subscribed is true, to the best of their knowledge and belief.

Before me,

J. H. CLIFFORD,

*Justice Peace.*



TENTH ANNUAL REPORT  
OF THE  
NORWICH AND WORCESTER  
RAIL-ROAD CORPORATION.

*To the Honorable Legislature of the Commonwealth of Massachusetts :*

The Directors of the Norwich and Worcester Rail-road Corporation,  
in obedience to the laws of the Commonwealth of Massachusetts,  
present this, their Tenth Annual Report, as follows :

Cost of the road, engines, depots, wharves, &c., see	
Commissioners' Report, . . . . .	\$2,170,491 77

Receipts during eleven months ending with the month  
of November, 1845, were as follows :

For transportation of passengers, . . . . .	\$116,201 52
" " " freight, . . . . .	77,665 69
" mail service, . . . . .	5,991 44
" Adams' express, . . . . .	2,820 60
" rents of wharves, &c., . . . . .	1,629 20
	\$204,308 45

*Disbursements.*

Repairs of road, cars, engines, buildings, &c., fuel, oil and labor, . . . . .	\$81,844 27
Interest accrued in 1844, . . . . .	\$57 41
" " in 1845, . . . . .	44,551 24
	44,608 65
Contingent expenses, 1844, . . . . .	\$3,866 68
" " 1845, . . . . .	3,145 64
	7,012 32

Office expenses, 1844, . . .	\$48 10	
“ “ 1845, . . .	74 03	
	<hr/>	\$122 13
Salaries of transportation and freight agents, . . .	641 66	
	<hr/>	\$134,229 08
To credit of profit and loss, . . . . .		<hr/>
		\$70,079 42

Whole number of miles run during eleven months of  
1845, 173,230.

By passenger trains, . . . . .	134,964
“ freight trains, . . . . .	33,766
“ trains road clearing and repairing, . . . . .	4,500
	<hr/>
	173,230

A dividend of three dollars per share was declared on the 24th day of June, and paid on the 1st day of July.

All which is respectfully submitted.

JOHN C. HOLLAND,  
JACOB LITTLE,  
A. W. H. CLAPP,  
ALFRED BROOKS,  
WILLIAM WARD,  
ALEX. DE WITT.

CITY AND COUNTY OF NEW YORK, ss. Personally appeared before me, William Van Hook, notary public, duly commissioned and sworn, dwelling in the city of New York, the aforesaid Jacob Little, Alfred Brooks, and A. W. H. Clapp, whose names are signed to the foregoing report, and made oath, that, to the best of their knowledge and belief, the above report is accurate and just.

[L. S.] In testimony whereof I have hereunto subscribed my name and affixed my notarial seal, this 17th day of January, A. D. 1846.

WM. VAN HOOK,  
*Notary Public.*

STATE OF CONNECTICUT.

NEW LONDON COUNTY, ss. *Norwich, January 15, 1846.* Then personally appeared John C. Holland, and made oath, that the foregoing statement by him subscribed, is true, to the best of his knowledge and belief.

Before me,

OTHNIEL GAGER,

*Justice of the Peace.*

SUFFOLK, ss. *Boston, Jan. 24th, 1846.* Then and there personally appeared William Ward, who signed the foregoing report, and made oath, that, to the best of his knowledge and belief, it is accurate and true.

Before me,

EZRA MUDGE,

*Justice of the Peace.*

COMMONWEALTH OF MASSACHUSETTS.

SUFFOLK, ss. *Boston, Jan. 27th, 1846.* Then personally appeared Alex. De Witt, and made oath, that the foregoing report by him subscribed, is true, according to the best of his knowledge and belief.

Before me,

CHARLES HAYWARD.

*Justice of the Peace.*

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The undersigned, having been called upon to examine the accounts of the Norwich and Worcester Rail-road Company, relative to the expenditures for the road, and to decide what portion of said expenditures are to be applied to the different sections of the road, report, that on the 16th day of January, 1846, we examined the accounts of said company up to the 29th day of November, 1845, and found that there had been expended for the road in Connecticut, since the 31st Dec., 1844, the sum of . . . . . \$5,011 83

Viz.—Carriage Department, . . .	\$4,533 33
Depot Buildings, . . .	128 50
Land damages, . . .	350 00
	<hr/> \$5,011 83
To which add amount up to 31 Dec., 1844, . . .	1,521,230 92½
Making, . . .	<hr/> 1,526,242 75½
And from which deduct for surplus land, . . .	6,267 00
	<hr/>
Making the cost in Connecticut, 29 Nov., 1845, . . .	<u>\$1,519,975 75½</u>

That there had been expended in Massachusetts, since the 31st December, 1844, the sum of . . . \$5,161 53

Viz.—Carriage department, . . .	\$2,266 67
Graduation, . . .	35 75
Masonry, . . .	1,190 20
County road, . . .	1,202 25
Damages to land, . . .	166 67
Ditching, . . .	300 00
	<hr/> \$5,161 53
From which deduct surplus land, . . .	3,780 20
	<hr/>
Leaving, . . .	1,381 33
To which add amount up to 31 Dec., 1844, . . .	649,134 68½
	<hr/>
Making the cost in Massachusetts, 29 Nov., 1845, . . .	650,516 01½
To which add in Connecticut, . . .	1,519,975 75½
	<hr/>
Showing the whole cost up to 29 Nov., 1845, . . .	<u>\$2,170,491 77</u>

They further report, that the accounts of the expenditures on the road in each State, have been kept separate and distinct as required by charter.

That the receipts of the company, for eleven months ending with the month of November, 1845, were . . . \$204,308 45

*Expenditures were—*

Expenses of running cars, and repairs of cars and road, . . .	\$97,084 45
Deduct inventory of material on hand, . . .	16,140 28
	<hr/>
	<u>\$81,844 27</u>

86 NORWICH AND WORCESTER RAIL-ROAD. [Feb.

Interest,	.	.	.	.	\$44,608 65	
Contingent expenses,	.	.	.	.	7,012 32	
Office expenses,	.	.	.	.	122 13	
Salaries,	.	.	.	.	641 66	
					<hr/>	\$134,229 03
Leaving net earnings,	.	.	.	.		\$70,079 42
Of which we have set to Massachusetts,						
one third,	.	.	.	.	\$23,359 80	
Of which we have set to Connecticut,						
two thirds,	.	.	.	.	46,719 62	
					<hr/>	\$70,079 42
						<hr/>

All which is respectfully submitted.

A. H. BULLOCK,  
*Commissioner for the State of Massachusetts.*

WOLCOTT HUNTINGTON,  
*Commissioner for the State of Connecticut.*

SECOND ANNUAL REPORT  
OF THE  
OLD COLONY RAIL-ROAD  
CORPORATION.

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts :*

The Directors of the Old Colony Rail-road Corporation respectfully submit their Second Annual Report of their acts and doings, receipts and expenditures, under the provisions of their charter, to December 1, 1845.

The construction of the road was so far completed, that it was partially opened for use on the tenth day of November last, since which time passenger trains have been run twice each day (Sundays excepted,) between South Boston and Plymouth.

The Act passed on the 15th day of March last, by the Legislature of this Commonwealth, authorizing this corporation to extend its road across the channel between South Boston and Boston proper, above the North Free Bridge, having been accepted by the stockholders, and the consent of the Boston and Worcester Rail-road Corporation obtained, an arrangement has been effected with said last named corporation, securing the entrance of the passenger trains of the Old Colony Road to a convenient station on Albany street, adjoining the passenger station of the Boston and Worcester Road, which, it is believed, will be advantageous to both corporations.

At the time of making the last annual report, there had  
been paid toward the capital stock, - - - \$87,820 00

Since that time there has been paid in on account of the capital stock, to December 1, 1845, -	-	\$800,910 00
Total amount of capital paid in up to Dec. 1, 1845, -	-	\$888,730 00
Received for interest, -	-	1,000 00
		<u>\$889,730 00</u>

*Expenditures.*

At the time of the last report there had been paid for surveys, engineering and other expenses, \$3,579 50		
Paid for same since to December 1, 1845, -	14,962 60	
		<u>\$18,542 10</u>
At the time of the last report there had been paid for land and damages, -	\$31,095 29	
Paid for same since to Dec. 1, 1845, -	252,623 30	
		<u>\$313,718 59</u>
Paid for grading and masonry, -	-	100,969 30
" " bridging, -	-	36,827 12
" " superstructure, -	-	57,160 42
" " iron, -	-	211,069 43
" " fencing, -	-	11,708 35
" " cars and engines, -	-	43,588 89
" " depots, buildings and furniture, -	-	30,951 35
Cash to balance, -	-	56,194 45
		<u><u>\$889,730 00</u></u>

The earnings of the road for the transportation of passengers for the few days prior to the 1st day of December, 1845, amounted to the sum of \$3,827 70.

No freight had been carried over the road prior to that time.

The expenses of running the passenger trains over the road for the few days prior to December 1, 1845, were charged to account of construction.

The number of miles run over the road by the  
Passenger trains up to December 1, 1845, is - 2550

All which is respectfully submitted by

JOHN SEVER,  
NATHAN CARRUTH,  
URIEL CROCKER,  
JACOB H. LOUD,  
I. L. HEDGE,  
WM. THOMAS.

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SUFFOLK, ss. *Boston, January 24, 1846.* Then John Sever, Nathan Carruth, Uriel Crocker, Jacob H. Loud, Isaac L. Hedge and William Thomas, personally appeared and severally made oath that the foregoing statement is true, according to the best of their knowledge and belief.

Before me,

CHARLES HAYWARD,  
*Justice of the Peace.*



FIRST ANNUAL REPORT  
OF THE  
PITTSFIELD AND NORTH ADAMS  
RAIL-ROAD CORPORATION.

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*To the Legislature :*

THE capital stock of the Pittsfield and North Adams Rail-road Corporation was subscribed, and the corporation was organized on the — day of December, 1845, by the choice of the following persons as Directors, viz., GEORGE BLISS of Springfield, WILLIAM E. BRAYTON of North Adams, JAMES ARNOLD of New Bedford, JOSIAH QUINCY, Jr. of Boston, ELLIS GRAY LORING of Boston.

At a subsequent meeting of directors, GEORGE BLISS was chosen President; ELLIS GRAY LORING, Clerk; JOSIAH QUINCY, Jr., Treasurer; and GEORGE BLISS, WILLIAM JACKSON and ROBERT CAMPBELL, Executive Committee.

The road has been located by a line deflecting from the Western Rail-road, at a point about two miles easterly of the Pittsfield station, and passing northerly up a branch of the Housatonic River and down a branch of the Hoosac, through the east part of Lanesboro'; and near the village of Cheshire, through the village of South Adams to its termination in the village of North Adams, at a point favorable for its future extension to the line of Vermont in the direction toward Bennington. Its length to North Adams is about 18½ miles.

The grading, bridging, masonry, fencing, and the superstructure, and its materials, excepting the iron rails, have been put under contract; the grading has been commenced, and the road will be ready for the rails by the 15th of July next; and if favorable arrangements can be made for the rails, it is expected that the road may be opened

for use in all the month of September. The land damages are now in process of adjustment.

An assessment of ten dollars per share was laid on the 16th day of December last, with liberty to any stockholder, in anticipation of future assessments, to pay in the whole or any part thereof, and there had been paid thereon, on December 31st, the sum of \$81,100. The whole expenditures up to that date were, for engineering, \$2,163 80.

The stock of the road was subscribed under a preliminary contract with the Western Rail-road Corporation, that the road should be constructed under their direction and supervision, and be leased to that corporation by a contract of transportation for thirty years, at an annual rent equal to six per cent. upon the cost thereof, payable semi-annually; the said corporation at that time to purchase the road at its cost, or take a new lease thereof, for a further period of 99 years, at a rent not exceeding five per cent. on its cost at its election, the road to be run by said corporation as a branch of their road. This contract of transportation has been perfected, and a copy thereof is hereto annexed.

This road is designed as the commencement of a long line of rail-road communication to be extended northerly through Williamstown into Vermont, and through Bennington, Manchester and Rutland, to Burlington, passing along the entire valley of Western Vermont. A survey has recently been made from North Adams to Bennington, about 18 miles, and the line has been found to be favorable. The estimated cost of construction is about \$20,000 per mile. A petition is pending in the Legislature for a charter, with authority to construct the same from North Adams to the line of Vermont, then to be united with a road from Rutland through Bennington to the same point, which has recently been chartered by the Legislature of Vermont, under the title of "The Western Vermont Rail-road Company." The preliminary surveys for this line, between Bennington and Rutland, are now in progress. The route has been examined, and the engineer represents that there is not in all New England one more favorable as to grades and cost of construction, \$20,000 per mile being the maximum.

At Rutland, the proposed route meets the route of the Champlain and Connecticut River Road, chartered and surveyed from Burlington, through Vergennes and Rutland to Bellows Falls, with authority to make the whole, or any part of it, and for which about \$1,000,000 has been subscribed.

The attention of the subscribers to this route, and of the whole business community of the valley west of the Green Mountains, has recently been called to this continuous line between Burlington and Pittsfield, as being of easy and cheap construction, and as affording the inhabitants of that rich and flourishing district a convenient transit, with a choice of markets—east, west, or south; and the friends of the Pittsfield and North Adams Road anticipate, at no distant day, a large accession of business from this source.

GEORGE BLISS,  
JOSIAH QUINCY, JR.,  
ELLIS GRAY LORING,  
*Directors.*

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SUFFOLK, ss. , January 30, 1846. Sworn to before me.

JOHN G. KING,  
*Justice of the Peace.*

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This indenture and contract of transportation made this thirtieth day of January, in the year one thousand eight hundred and forty-six, by and between the Western Rail-road Corporation of the first part, and the Pittsfield and North Adams Rail-road Corporation of the second part, witnesseth :

That whereas it is agreed, by and between the parties hereto, that the party of the first part shall construct and finish the Pittsfield and North Adams Rail-road in the name and under the charter of the party of the second part, with funds to be provided by the said party of the second part, and that the same shall be leased to and run by the party of the first part, for the time, and upon the terms hereinafter set forth : Now, therefore, the said party of the second part, in consideration of the premises and of the covenants of the party of the first part hereinafter contained, as well as of ten dollars paid by said party of the first part, do, by these *Presents*, grant, lease, and demise unto the said party of the first part, their successors and assigns, the whole of the said Pittsfield and North Adams Rail-road, extending from its junction with the Western Rail-road, to its northern termination in the village of North Adams, as the same is now located, or shall be hereafter located and constructed, together with all the lands, depots, buildings, tracks, fixtures, property, rights, privileges and franchises thereto appertaining,

or belonging, or which may hereafter be procured or purchased by, or be granted, appertain, or belong to the said road, or to the said Pittsfield and North Adams Rail-road Corporation ; with the full right and privilege of using the said rail-road depots, and other property and rights, with cars, engines, or other motive power, or to permit or authorize others so to use the same, in any way, which the said party of the first part, their successors or assigns may, from time to time, elect ; and as fully and freely as the said party of the second part might, or could do, under their charter, and any additions made, or to be made, thereto.

To have and to hold the said rail-road as the same is now located or constructed, and all lands, depots, and other property, rights, privileges, and franchises, whether now acquired, or hereafter to be procured unto the said party of the first part, their successors and assigns, for, and during the full term of thirty years from the time of opening the said rail-road for the use of the public, and for, and during such further time thereafter as the said party of the first part shall then elect to take a renewed lease of said road, under the provisions hereinafter contained, and as fully and freely, to all intents and purposes, as the said party of the second part might or could have, enjoy, or use, the same, under their charter, and any additions made, or to be made, thereto.

And to enable the said party of the first part beneficially to enjoy and improve the said granted property, rights, and privileges, the said party of the second part hereby nominate, constitute, and appoint the said party of the first part, their successors and assigns, their attorneys irrevocable, with full power and authority to use the name of the party of the second part, in and about the location, construction, and repair, management and running of the said Pittsfield and North Adams Rail-road, and all property, rights, privileges and franchises which may now, or at any future time, appertain or belong thereto, with the right and power to establish, receive and collect fares, rates of compensation, and rents for the use of said road, and other property, or for the transportation of persons, merchandise, mails, and every description of property, upon and over said road, or any part thereof, for the sole use and benefit of the said party of the first part, their successors and assigns, and to make any contracts, covenants, or agreements proper and necessary for all the purposes herein provided for, with any persons or corporations whatever, in the name of the party of the second part, and under their corporate seal, or otherwise. And generally to do and perform all other acts and things in the premises, which the said party

of the second part might lawfully do, with full power and authority; also to use the name of the party of the second part, in and about any proceedings at law or in equity, which the said party of the first part may judge necessary or expedient in and about all the business and proceedings aforesaid, or for the purpose of fully securing to the said party of the first part, their successors and assigns, the quiet and beneficial enjoyment, possession, and use of the said road, and of all the property, rights, privileges and franchises, hereby granted, secured and demised, or for any other purpose consistent with the true intent and meaning of this indenture: and with the right, for all the purposes aforesaid, from time to time, to substitute and appoint one or more attorneys under the said party of the first part, and the same at pleasure to revoke.

And the said party of the second part hereby covenant and agree with the said party of the first part, their successors and assigns, that they will, during the term in which the provisions of this indenture shall be in force, at all times continue and preserve the legal organization of the said Pittsfield and North Adams Rail-road Corporation; will hold such meetings, pass such votes and appoint all such officers, and confer upon them all such powers, keep such records of their proceedings, make such reports to the Legislature, or otherwise, as may be required by law, and do all such other acts as may be necessary and proper to carry into full effect all the objects and provisions of this indenture, and that they will, on reasonable demand, hereafter give such other assurances as may be necessary therefor, all expenses of said party of the second part being paid by the party of the first part. And the said party of the second part hereby further covenant and agree with the said party of the first part, their successors and assigns, that, at the expiration of the said term of thirty years, they will, as the said party of the first part shall in writing elect and request, either give to the said party of the first part, their successors and assigns, an absolute grant, assignment, and release, in perpetuity of the said road and other property, rights and privileges, and franchises, by a deed or other instrument, proper and legal therefor, to the said party of the first part, or such party as they shall designate, upon payment by the said party of the first part to the said party of the second part, of an amount sufficient to pay to each stockholder in the Pittsfield and North Adams Rail-road Corporation, the par value of his shares, and will cause the said shares to be transferred to such person or persons, or such corporation, as the said party of the first part shall designate; or if so elected by

said party of the first part, will make, execute and deliver to the said party of the first part, their successors and assigns, a renewed indenture of lease for a further term of ninety-nine years, from and after the expiration of said term of thirty years, with powers, rights, privileges, covenants and provisions, similar to those herein contained, upon the execution of the same in two parts by the said party of the first part, with similar covenants and provisions by and for the said party of the first part, as are herein contained and provided to be performed by the said party of the first part. And the said party of the second part hereby further covenant and agree, that they will provide and pay over to the party of the first part, the funds necessary for the construction of the said Pittsfield and North Adams Rail-road, and for the buildings and fixtures therefor, in good order for convenient use, as fast as the same are needed, and as from time to time requested by the said party of the first part, and if the said party of the first part shall at any time hereafter consent to and request that the said Pittsfield and North Adams Rail-road Corporation may be united with the Adams and Bennington Rail-road Corporation, or that, when so united into one corporation, the said united corporation shall be further united with the Western Vermont Rail-road Company, according to the provisions of the charter of the said Adams and Bennington Rail-road Corporation which may be granted by the Legislature of Massachusetts, the said party of the second part will, by vote, at legal meeting for the purpose, consent to such unions severally, and pass all proper votes and give all necessary authority therefor, and will execute, or cause to be executed and delivered, such agreements, covenants and indentures, as may be necessary and proper to carry into full effect the objects of these provisions; and that the said party of the second part will not consent to the said unions, or either of them, unless so requested by the said party of the first part in writing.

And the said party of the second part hereby further covenant and agree, with the said party of the first part, their successors and assigns, that when the said road shall be completed, and the titles to the same and to the lands, fixtures, and other property thereof, shall be vested in said party of the second part, they will, on request, execute and deliver to the said party of the first part an indenture of confirmation, reëssuring the provisions of this instrument, upon the terms and conditions thereof, so far as they may then be applicable.

And the said party of the first part, in consideration of the premises, and of the covenants and agreements of the said party of the second part, herein contained, hereby covenant and agree with the said party of the

second part, their successors and assigns, that they will proceed in the name and under the charter of the party of the second part, and construct the said Pittsfield and North Adams Rail-road, its fixtures and buildings, as fast as the same can be economically done, and as funds shall be provided therefor by said party of the second part; the same to be constructed in a manner in all respects equal to the Western Rail-road, and that, when so constructed, they will provide the necessary power and other equipment, and will open and run the same during the term for the accommodation of the public, and will pay, as a rent therefor, a sum equal to six per cent. annually, upon the amount of the whole cost of said road, its buildings and fixtures, as the same shall have been paid by the party of the second part; the said rent to be paid semi-annually on the ——— during the term.

And the said party of the first part further covenant and agree, with the said party of the second part, their successors and assigns, that, at the expiration of said term of thirty years, they will, at their election, either take a new lease or contract of transportation, for a further term of 99 years, with similar provisions, covenants and agreements by both parties, with those contained herein, so far as then applicable, excepting that the said party of the first part shall agree to pay, during said renewed term, as a rent, a sum not exceeding five per cent. annually, upon the amount of the cost of said road, buildings, and fixtures, and to be paid semi-annually; or will purchase the said road, buildings, fixtures, and the franchise thereof, and pay an amount sufficient to pay to each stockholder, in the said Pittsfield and North Adams Rail-road Corporation, the par value of his shares, upon receiving an absolute deed thereof as hereinbefore provided.

In testimony whereof, the said parties have, to this and one other indenture of even tenor and date, caused their respective corporate seals to be affixed, and the same to be signed by George Bliss, President of said Western Rail-road Corporation, and by Josiah Quincy, Jr., Treasurer of said Pittsfield and North Adams Rail-road Corporation, (thereto severally authorized by votes,) the day and year first above written, each party having a part.

*The Western Rail-road Corporation,* }  
By GEORGE BLISS, President. } Seal.

*The Pittsfield and North Adams Rail-road Corporation,* }  
By JOSIAH QUINCY, Jr., Treasurer. } Seal.

Executed and delivered in presence of

ELLIS GRAY LORING.

## COMMONWEALTH OF MASSACHUSETTS.

SUFFOLK, ss. *January 30, 1846.* Then personally appeared the above named George Bliss, President of the Western Rail-road Corporation, and Josiah Quincy, Jr., Treasurer of the Pittsfield and North Adams Rail-road Corporation, and severally acknowledged the above written instrument to be the free act and deed of said corporations respectively.

Before me,

ELLIS GRAY LORING,

*Justice of the Peace.*

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At a meeting of the Board of Directors of the Western Rail-road Corporation, duly held in Boston, January 29, 1846, the foregoing contract being submitted to the Board, the same was read and approved, and ordered to be executed by the President, George Bliss, Esq., in behalf of this corporation, under the seal thereof, and delivered as its deed.

ELLIS GRAY LORING, *Clerk.*

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At a meeting of the Board of Directors of the Pittsfield and North Adams Rail-road Corporation, duly held in Boston, January 30, 1846, the foregoing contract, being submitted to the Board, the same was read and approved, and ordered to be executed by the Treasurer, Josiah Quincy, Jr., Esq., in behalf of this corporation, under the seal thereof, and delivered as its deed.

ELLIS GRAY LORING, *Clerk.*



FIRST ANNUAL REPORT  
OF THE  
PROVIDENCE AND WORCESTER  
RAIL-ROAD COMPANY.

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*To the Honorable the Senate and House of Representatives of the  
Commonwealth of Massachusetts :*

The Directors of the Providence and Worcester Rail-road Company respectfully submit their first report of their acts and doings, from the organization of the corporation, to the first day of January, 1846.

After much effort used by the citizens of Providence and other places interested in the construction of a Rail-road, connecting the city of Providence with Worcester and the "Great West," the amount of the capital stock required by the charter granted by the Legislature of Rhode Island, was subscribed, viz.: one million of dollars. Of this sum, nearly nine-tenths was subscribed by citizens of Rhode Island.

Soon after the subscription of the stock, the company was duly organized under the said charter, and immediate steps were taken to have the work commenced.

A company having been chartered by the Legislature of Massachusetts, for the purpose of constructing that part of the projected route, which is in that State, was also, under its charter, duly organized.

Means were taken by these two companies, in accordance with the mutual provisions of their charters, to form one company, under the name of the "Providence and Worcester Rail-road Company;"—this union was perfected, according to law, on the twenty-fifth day of November last, and the new company, formed out of the two chartered by the separate States, was, on that day, duly organized, by the ap-

pointment of directors, and the passage of such by-laws, as the joint stockholders deemed necessary for the transaction of the business.

On the same day, the directors duly organized their Board, by the election of Alexander Duncan as President, Isaac Brown as Treasurer, and Allen O. Peck as Clerk.

The capital stock of that portion of the company which was chartered by the Legislature of Massachusetts, being by the charter to be fixed at such amount as the directors should determine, but not to exceed one million of dollars; and the Board of Directors of that company having determined that one thousand shares, of one hundred dollars each, should, for the present, constitute its capital, the same was confirmed by the joint corporation, which makes the capital of the joint corporation, now, eleven hundred thousand dollars, all of which had been subscribed, making a list of stockholders exceeding in number one thousand.

The board can say but little, as yet, as to the progress they have made in their work, as the time of the agents of the company has been entirely occupied in determining on the best location of the road throughout its length, and in making, in all cases where it is practicable, amicable settlement of the right of way; with these matters they are still actively engaged.

An assessment of ten dollars per share was called by the directors, and made payable on the first day of December last, which has been very generally paid by the stockholders.

The following is an account of the receipts and expenditures of the company, to the 31st day of December, 1845, as appears by the books kept by the company.

Amount received from all sources,	\$99,293 00
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Amount paid out, as follows:

For preliminary surveys in Rhode Island,	\$3,542 08
For land damages " " "	22,056 23
For preliminary surveys in Massachusetts,	3,974 88
For land damages " "	601 10
For sundries,	116 98

Total,	\$30,291 22
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Leaving a balance in the treasury this day, of	\$69,001 78
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**100 PROVIDENCE AND WORCESTER RAIL-ROAD. [Feb.**

All of which is respectfully submitted.

ALEXANDER DUNCAN, *President.*  
MOSES B. IVES,  
HARVEY CHASE,  
JAMES Y. SMITH,  
CHRISTOPHER S. RHODES,  
ORRAY TAFT,  
JOS. CARPENTER,  
ALLEN O. PECK,  
G. W. HALLET,  
WM. FOSTER,  
EARL P. MASON,  
C. L. FISHER,  
MOSES B. LOCKWOOD,  
JOHN BARSTOW,  
N. F. POTTER,  
DUTY GREENE,  
CHAS. DYER.

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**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.**

PROVIDENCE, ss. In Providence, on this fourteenth day of January, A. D., 1846, personally appeared Alexander Duncan, Esq., President of the Providence and Worcester Rail-road Company, and Messrs. Moses B. Ives, James Y. Smith, Christopher S. Rhodes, Orray Taft, Joseph Carpenter, Allen O. Peck, George W. Hallet, William Foster, Earl P. Mason, Charles L. Fisher, John Barstow, Nathaniel F. Potter, Duty Greene, and Charles Dyer, Directors of the same, and made oath of the truth of the foregoing report, and at the same time and place, personally appeared Harvey Chase and Moses B. Lockwood, also Directors of the same, and made affirmation of the truth of the same.

Before me,

**GAMALIEL LYMAN DWIGHT,**

*Justice of the Peace.*

SECOND ANNUAL REPORT  
OF THE  
STOUGHTON BRANCH RAIL-ROAD  
CORPORATION.

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*To the Honorable the Legislature of the Commonwealth of Massachusetts :*

The Directors of the Stoughton Branch Rail-road Corporation respectfully submit a report of their proceedings, receipts and expenditures, during the past year, as required by law.

Since our last report, the road has been completed. The trains commenced running on the 7th of April last, under the agreement of January 1st, 1845, with the Boston and Providence Rail-road Corporation, referred to in our last annual report. The loan of \$40,000 from the Boston and Providence Rail-road Corporation, has been converted into stock of this corporation, agreeably to an Act of the Legislature of last year. We have sold 448 shares of stock during the past year, agreeably to a vote of the directors at par, which is added to the capital paid in, and have received in assessments on shares from stockholders \$47,525, which, added to the amount received from the same source, as per our last annual report, makes the total amount received, \$85,600.

The amount expended on account of construction, land	
damage, &c., during the past year,	\$29,671 40
Amount previously expended,	58,746 74

Total amount expended on account of construction, is	<u>\$88,418 14</u>
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The construction account is made up of the following items :—

For construction of road, is . . . . .	\$74,670 05
“ passengers, merchandise and other buildings, . . . . .	8,602 62
“ all other expenses connected with construction of the road, is . . . . .	5,145 47
	<hr/>
	<b>\$88,418 14</b>
	<hr/>

Income of the past year :—

From passengers, . . . . .	\$3,753 25
“ freight, . . . . .	2,755 79
Interest account, . . . . .	1,302 37
	<hr/>
	<b>\$7,810 41</b>

From mails not received, \$150.

Expenditures of the year, exclusive of the amount charged to construction account, as before stated.

Repairs of rail-road, . . . . .	\$412 78
“ of cars and engines . . . . .	253 92
Miscellaneous, . . . . .	2,238 06
	<hr/>
	<b>\$2,904 76</b>
	<hr/>
Net earnings, . . . . .	<b>\$4,905 65</b>
	<hr/>

A dividend of  $4\frac{1}{2}$  per cent. has been declared payable January 12th, amounting to \$4,050, which amount, deducted from the net earnings, leaves a balance of \$855 65, now standing to the credit of income account.

Number of miles run by passenger and freight trains, in connection, during the year, . . . . . **4282**

F. W. LINCOLN,  
LYMAN KINSLEY,  
MARTIN WALES,  
NATH'L MORTON,  
OAKES AMES,

*Directors.*

NORFOLK, ss. *Canton, January 26, 1846.* Then personally appeared the above named F. W. Lincoln, Lyman Kinsley, Martin Wales, Nathaniel Morton, and made oath that the above written report, by them subscribed, is true according to their best knowledge and belief.

WILLIAM DUNBAR,  
*Justice Peace.*

ELEVENTH ANNUAL REPORT.  
OF THE  
TAUNTON BRANCH RAIL-ROAD  
CORPORATION.

*To the Honorable Legislature of the Commonwealth of Massachusetts :*

The Directors of the Taunton Branch Rail-road Corporation do hereby make the Eleventh Annual Report of their acts and doings, receipts and expenditures.

The total amount of capital paid in, is . . . \$250,000 00

The expenditures during the year ending November 30, 1845, have been as follows :

Repairs of rail-road, . . . . .	\$4,407 57
Repairs of cars and engines, . . . . .	3,423 62
Amount paid to the Boston and Providence Rail-road Corporation for their portion of the receipts from passengers and freight, . . . . .	53,214 93
Amount paid to the New Bedford and Taunton Rail-road Company, under the agreement between the two corporations, and on account of freight, . . . . .	6,478 72
Miscellaneous expenditures, . . . . .	13,979 45
Amount expended for new locomotive and passenger cars, . . . . .	4,369 80
Cost of new freight house and land, and enlarging and improving depot buildings, &c., . . . . .	15,015 86
Total amount of expenditure, . . . . .	<u>\$100,889 95</u>

The income of the corporation, during the year ending November 30, 1845, has been as follows:—

Amount received from passengers,	.	.	.	\$76,580 96
“ “ “ freight,	.	.	.	37,668 18
Miscellaneous receipts,	.	.	.	2,287 85
Total,	.	.	.	<u>\$116,536 99</u>

A dividend of four per cent. has been declared, payable

June 19, 1845, amounting to	.	.	.	\$10,000 00
Also, a dividend of four per cent. payable Dec. 22, 1845,	.	.	.	10,000 00
Total,	.	.	.	<u>\$20,000 00</u>

The number of miles run by passenger trains over the Taunton Branch Rail-road, exclusively, during the year ending November 30, 1845, has been	.	.	.	19,184
The number of miles run by merchandise trains during the same period, has been	.	.	.	7,062
By other trains,	.	.	.	1,742
Total,	.	.	.	<u>27,988</u>

All which is respectfully submitted.

THOMAS B. WALES,  
JNO. F. LORING,  
SAMUEL QUINCY,  
WM. A. CROCKER,  
SAM'L FROTHINGHAM,

*Directors of the Taunton Branch Rail-road Corporation.*

Boston, January 1, 1846.

SUFFOLK, ss. Jan. 21, 1846. Then personally appeared the above named T. B. Wales, Jno. F. Loring, Samuel Quincy, W. A. Crocker, and S. Frothingham, and made oath that the foregoing report by them subscribed, was true, according to the best of their knowledge and belief.

Before me,

EDW. PICKERING,  
*Justice of the Peace.*



SECOND ANNUAL REPORT  
OF THE  
VERMONT AND MASSACHUSETTS  
RAIL-ROAD COMPANY.

*To the Honorable the Senate and House of Representatives of the  
Commonwealth of Massachusetts :—*

The Directors of the Vermont and Massachusetts Rail-road Company respectfully submit their Second Annual Report of their acts and doings, receipts and expenditures, during the year ending the 31st Dec., 1845.

The total amount paid in towards capital stock (\$ interest,) is . . . . .	\$152,623 07
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The total amount expended (including sums paid to the President and Engineers) for road purposes, is . . . . .	\$69,516 46
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Leaving a cash balance (\$10,000 being loaned on collateral,) of . . . . .	\$3,106 61
	\$152,623 07

The Directors, in their last Annual Report, intimated that measures had been taken preparatory to placing some portion of their road under contract, and to break ground as early as might be practicable. They are able to report, that, during the past season, they have been engaged in constructing the road, and that they now have in their employ about twelve hundred men actively carrying forward the work. All the line from the Fitchburg Rail-road to Athol, (with the exception of that portion which is between the points of divergence of the respective routes through Winchendon and Baldwinsville,) has been

put under contract and is in the process of construction, and thorough surveys have been made of our entire line. The directors, impressed with the conviction, that a sound economy, no less than a due regard to the interests of the public and of the company, required the exercise of great skill and care in the examination and location of so important an avenue to the States of New Hampshire and Vermont, and to the great valley of the Connecticut River, overcoming, as it will, the ranges of hills which constitute the summit between the Atlantic and such river, felt themselves justified in securing, for permanent engineers, gentlemen highly recommended, and of known skill and integrity. They have also, from time to time, consulted and employed other gentlemen of greater practical experience, under whose advice, and by the aid of whose labors, this board have conscientiously endeavored to give a proper direction to the line of their road. The company have already paid the sum of \$11,255 57, for preliminary surveys and engineering, which, with but one or two exceptions, the directors believe has been profitably expended. And, although this company have been extremely desirous of placing the whole line east of Athol under contract, and are suffering loss from delay in pursuing the work; yet, for reasons which will hereafter appear, they have carefully confined their operations within the limits above mentioned, lest it might be deemed an assumption of power, under doubts which were suggested as to their legal right, to run their road through the village of Winchendon, which, in the opinion of our engineers and of this board, was the true and proper line.

Since the charter of this company was granted, and since their last annual report was made, the Legislature have been asked to incorporate another company, for the purpose of constructing a road, in conjunction with the Cheshire Rail-road Company, from the road of the Vermont and Massachusetts Rail-road Company, passing through the village of Winchendon. Against so much of this new line as was between said village of Winchendon and the originally chartered line of our company, the directors of the Vermont and Massachusetts Rail-road Company respectfully remonstrated, and their remonstrance was so far regarded by the Legislature, that, in the Act entitled "An Act to establish the Winchendon Rail-road Corporation," it was provided that "the said corporation (was thereby) authorized and empowered to locate, construct, and finally complete a rail-road," &c., "from some convenient point at the southern boundary of the State of New Hampshire," &c. &c, "to some convenient point, at or near

Winchendon village or Waterville village in said town of Winchendon, or in either of the towns of Royalston or Templeton or Gardner, *upon* the rail-road *which may* hereafter be constructed by the Vermont and Massachusetts Rail-road Company," "with liberty to enter with said rail-road *upon* said Vermont and Massachusetts Rail-road, at either of the points aforesaid," &c. "And *provided further*, that if said Vermont and Massachusetts Rail-road Company *shall not*, within two years from the first day of April (then) next, *locate and construct* their rail-road from the Fitchburg Rail-road in Fitchburg, *through Winchendon* village, to their chartered line in Royalston, then said Winchendon Rail-road Corporation are (thereby) authorized and empowered to locate, construct and *extend* their road through said Winchendon, to some convenient point upon the said Vermont and Massachusetts Rail-road in the town of Ashburnham," &c. &c.

And the Legislature further, upon the petition of this company, enacted that "so much of the 3d section of an Act, entitled An Act to incorporate the Vermont and Massachusetts Rail-road Company, passed March 15th, 1844, as provides that if said company shall not complete their road from the termination of the Fitchburg Rail-road *as far as Baldwinsville*, within three years from the date of said Act, [was thereby] repealed; provided any section of their road between Fitchburg and Athol, shall be completed within said three years of like extent."

Which Act was unanimously accepted at a meeting of this company, called for the purpose, and held on the 19th day of August last: the stockholders of this company having previously, at their annual meeting, held Feb. 12, 1845, approved of the course taken by their directors in petitioning therefor.

But doubts were suggested and urged upon the consideration of the directors, as to the extent of power conferred by the Acts aforesaid upon this company, and as to the effect thereof, upon the stockholders of this company. And, as the directors conceived that, independent of any such enactments, the County Commissioners of the County of Worcester, where the lines were situate, might, under their general power, and would, probably, give their consent to the same line, contemplated in such acts, it was deemed expedient to make application to them for the purpose. But we regret to say, that such application was not successful, and rather than to appear to be acting there in any case of doubt, this company (although it has purchased at extremely low prices,) and now owns all (or nearly all) the land necessary on that

line for their road-bed, and suppose, therefore, that they might, without great hazard, operate thereon, have scrupulously abstained from any work upon ground without the limits of their original charter, and have applied to the present Legislature for a further and confirmatory Act, expressly recognizing their power to adopt the Winchendon line, which, under all the circumstances of the case, we think most advisable for the company.

*The location of the road from Fitchburg to the summit in Ashburnham, has been a source of great study and examination—and its importance has not been overlooked by the directors.*

This being the trunk out of which will extend roads to the great freight regions of the Connecticut and Deerfield Rivers—to eastern and western Vermont also, and probably to Lake Champlain and Canada—and there being, on our whole line, no portion of road destined to harder service, and none having so high a grade as must be here required, much time and pains have been taken, not only to ascertain the lowest summit but also to distribute the grades as uniformly and advantageously as possible, down to Fitchburg, and at the same time to avoid, so far as practicable, that great enemy of rail-roads, “water,” a large reservoir of which exists near the summit in Ashburnham.

For some time it was supposed that no passage across the broken region which divides the Nashua and the Miller's River, could be obtained at any less grade than 60 feet to the mile. But after carefully running lateral trial lines, for the purpose of ascertaining where the lowest summit could be found, it became apparent that, by making a heavy cut east of that summit, the road could be let down to a grade of about 55 feet to the mile, and lay much more naturally upon the surface of the earth, and with less embankment than before, and that, with the exception of places for depot accommodations, a uniform grade of about 55 feet to the mile could be adopted from the commencement of our road to its highest elevation, and that the reservoir could remain undisturbed. The advantages to the line below and east of the summit, in the judgment of gentlemen skilled in such matters, warrant this expense—and our road has been thus far constructed or is being constructed accordingly. And the directors are happy to state that this cut, which is now in part completed, has proved more favorable than was anticipated when authorized by this board.

Between the summit in Ashburnham and the original chartered line in South Royalston, where the same is now in the hands of contrac-

tors, should the line through Winchendon Village be adopted, the rail-road can be graded, as is estimated, in about four months' time, and at a cost not exceeding \$3000 per mile—or for a sum less than several county roads in that vicinity have required. And our cars may be running to Athol before the next session of the Legislature; and in the summer following to Vermont; a portion of the line beyond Athol being now contracted for.

ALVAH CROCKER,  
GARDNER C. HALL,  
CALVIN TOWNSLEY,  
J. D. BRADLEY,  
JABEZ C. HOWE,  
NICHOLAS LITTLE,  
H. WELD FULLER,  
ISAAC LIVERMORE,  
THOS. G. CARY.

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WINDHAM, ss. *January, 29, 1846.* Then personally appeared the above named Alvah Crocker, Gardner C. Hall, Calvin Townsley and J. D. Bradley, and made oath that the statement above, by them subscribed, is true, according to their best knowledge and belief.

Before me,

HENRY SMITH,

*Justice of the Peace.*

SUFFOLK, ss. *Jan. 30, 1846.* Personally appeared the above named Jabez C. Howe, Nicholas Little, H. W. Fuller and Isaac Livermore, and made oath that the foregoing by them signed, is true, according to their best knowledge and belief.

Before me,

NATHAN CARRUTH,

*Justice of the Peace.*

SUFFOLK. *Jan. 30, 1846.* Personally appeared the above named Thos. G. Cary, and made oath that the foregoing by him subscribed, is true, according to his best knowledge and belief.

Before me,

H. WELD FULLER,

*Justice of the Peace.*

EIGHTH ANNUAL REPORT  
OF THE  
WEST STOCKBRIDGE RAIL-ROAD  
COMPANY.

*To the Honorable Legislature of the Commonwealth of Massachusetts :*

The Directors of the West Stockbridge Rail-road Corporation present a report of the affairs of said corporation for the year ending December 31, 1845, being their Eighth Annual Report.

The road, fixtures and buildings, have been occupied during the last year by the Berkshire Rail-road Company and the Hudson and Berkshire Rail-road Company, under the contracts, copies of which were annexed to our last annual report, and the road has been kept in repair by them.

The amount of receipts from January 1 to December 31, 1845, is as follows :

From Berkshire Rail-road Company, on contract of transportation, . . .	\$746 67	
Due on said contract, unpaid, . . .	104 67	
	<hr/>	\$851 34
From Hudson and Berkshire Rail-road Corporation, on contract of transportation, . . .	\$287 50	
Due on said contract, payable April 1, 1846, . . .	622 50	
	<hr/>	\$910 00
Received on stock subscriptions, . . .		549 89
		<hr/>
Amount carried forward, . . .		\$2,311 20

Amount brought forward, . . . . . \$2,311 20

*Expenditures.*

For insurance, . . . . .	\$22 50	
“ expenses, commissions, &c. . . . .	63 87	
“ balance due former treasurer for services, &c., . . . . .	50 00	
	<hr/>	\$136 37
For debts incurred in construction, . . . . .	200 98	
For amount due Hudson & Berkshire R. R. Corporation, on old contract of transportation, . . . . .	101 67	
For miscellaneous accounts, . . . . .	8 50	
	<hr/>	\$311 15
		<hr/>
		\$447 52
		<hr/>
		\$1,863 68
		<hr/>

A dividend of four and a half dollars per share was declared for the year ending April 1, 1845, which amounts, on 396 shares capital stock, to the sum of . . . \$1782 00

The debts specified in our last report have been paid, and the directors are not aware of any existing claim against the corporation.

The whole number of miles run by passenger and freight trains, of the aforementioned companies, is . . . 4410

All which is respectfully submitted,

HENRY W. TAFT,  
ERASTUS CROCKER,  
SEDGWICK S. COLE,  
SYLVESTER SPENCER,  
*Directors.*

*West Stockbridge, January 24, 1846.*

BERKSHIRE, ss. *January 24, 1846.* Personally appeared Henry W. Taft, Erastus Crocker, and Sedgwick S. Cole,—and, *January 27, 1846,* appeared Sylvester Spencer, above named, and severally made oath that the above report, by them subscribed, is true, according to the best of their knowledge and belief.

Before me,

NORMAN SHELDON,  
*Justice of the Peace.*



TENTH ANNUAL REPORT  
OF THE  
WESTERN RAIL-ROAD  
CORPORATION.

*To the Legislature, January, 1846.*

The Directors of the Western Rail-road Corporation hereby respectfully submit to the Legislature their Tenth Annual Report.

The <i>capital stock</i> paid in, is . . . . .	\$3,000,000 00
Under the law of last year, the directors have voted to increase the capital stock, by adding . . . . .	400,000 00
	<u>400,000 00</u>

But no part of this has been issued.

The <i>nominal</i> means provided for the	
road, were capital, . . . . .	\$3,000,000 00
State scrip, . . . . .	3,999,555 56
Bonds of the city of Albany, . . . . .	1,000,000 00
	<u>\$7,999,555 56</u>

The net <i>available</i> means for construction realized, were, as per last report corrected, . . . . .	\$7,751,601 16
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*Note.*—Of the means provided, the contract for the loan required to be paid from the principal to the Albany sinking fund, . . . . . \$100,000 00

Loss on sale of State scrip, . . . . .	138,380 05
“ “ “ Albany bonds, . . . . .	9,574 35
	<u>\$247,954 40</u>
	<u>\$7,909,555 56</u>

*Funded Debt payable from 1868 to 1876.*

State scrip, . . . . .	\$3,999,555 66
Bonds of the city of Albany, . . . . .	1,000,000 00
	<hr/>
	\$4,999,555 56
Less amount of two sinking funds, Dec. 31, . . . . .	465,251 28
	<hr/>
Total principal to be provided for, . . . . .	\$4,534,304 28
To which may be added for exchange on maturity of state scrip, if estimated as per last report, at the dif- ference between 4.44 and 4.80 per pound sterling,	319,964 44
	<hr/>
	<u>\$4,854,268 72</u>

*Sinking Funds.*

The Massachusetts sinking fund was, on January 1, 1845, as per last report, . . . . .	\$237,053 65
Interest received in 1845, . . . . .	\$13,556 96
1 per cent. from income of road, . . . . .	40,000 00
	<hr/>
	\$53,556 96
	<hr/>
Amount in hands of Commissioners, Jan. 1, 1846, . . . . .	\$290,610 61
Interest due and unpaid, . . . . .	\$300 00
Interest accrued and not due, . . . . .	4,462 67
	<hr/>
	4,762 67
	<hr/>
Value of fund Jan. 1, 1846, . . . . .	<u>\$295,373 28</u>
	<hr/>
The Albany fund was, on Jan. 1, 1845, . . . . .	145,901 20
Interest received in 1845, . . . . .	\$9,816 39
1 per cent. on loan paid from income, . . . . .	10,000 00
	<hr/>
	\$19,816 39
	<hr/>
In hands of trustees, Jan. 1, 1846, . . . . .	\$165,717 68
Interest due and unpaid, . . . . .	\$1,693 45
Interest accrued and not due, . . . . .	2,466 87
	<hr/>
	\$4,160 32
	<hr/>
Value of Albany fund Jan. 1, 1846, . . . . .	<u>\$169,878 00</u>
	<hr/>
Value of both funds, . . . . .	\$465,251 28
Increase of both in 1845, . . . . .	\$76,041 11

The expenditures for construction during the year have been as follows :—

OBJECTS.	Western Road in Massachusetts.	Albany Road in New York.	Totals.
Graduation and Masonry, . . .	\$6,833 50	\$646 08	\$7,479 58
Superstruction, . . . . .	925 31	. .	925 31
Bridging, . . . . .	34 75	. .	34 75
Station Buildings, Fixtures, Aqueducts, &c.	13,078 54	68 54	13,147 08
Station Lands, . . . . .	30,683 12	110 00	30,793 12
Land Damages, . . . . .	2,593 94	65 37	2,659 31
Engines, . . . . .	8,170 83	. .	8,170 83
Fences, . . . . .	346 59	1,407 26	1,753 85
Pier and Dock, . . . . .	. .	163 00	163 00
	62,666 54	2,460 25	65,126 83

The total expenditures *actually paid* for construction and equipment, to December 31, 1845, are as follows :

*Total Expenditures to January 1, 1846.*

	W. R. R. Construction.	W. R. R. Engines & Cars.	W. R. R. Total.	A. & W. S. R. R. Construction.	Total.
Prior to January 1, 1845, . .	\$5,281,524 63	\$637,736 32	\$5,919,260 95	\$1,757,367 17	\$7,676,628 12
In 1845, . . . .	54,495 75	8,170 83	62,666 58	2,460 25	65,126 83
Totals, . . . .	5,336,020 38	645,907 15	5,981,927 53	1,759,827 42	7,741,754 95

NOTE.—All the items composing this table are entered at cost.

*Transportation Department.*

The *ordinary receipts* from the business of the road in 1845, were

For passengers, . . . . .	\$366,753 02
“ merchandise, . . . . .	420,717 30
Other sources—mails, package express, rents, &c., . . . . .	26,009 83
	<u>\$813,480 15</u>

The expenditures on the same account, were—

For repairs of roads and bridges, . . .	\$67,680 68
“ “ of engines, . . .	38,061 38
“ “ of cars, . . .	28,776 13
“ “ of buildings, ferry, &c., . . .	15,408 06
“ services in transportation department, . . .	102,348 92
“ fuel, . . .	74,828 16
“ oil, . . .	12,348 50
“ miscellaneous expenses, . . .	31,169 40
	<hr/> \$370,621 25
Balance net receipts, . . .	<hr/> \$442,858 90

*Note.*—Besides this, there is claimed of the Boston and Worcester Company for excess of charges by them for business of this company, a sum estimated at \$30,000, as *earned* the last 8½ months of the year.

The company have also received, on *now* making up the accounts for sales of 3,266 shares of stock, the sum of \$31,973 50, which is an advance above their cost. In the report of last year, this anticipated advance was inadvertently put down as *capital* available for construction. But the treasurer having, in past years, paid from the *income of the road*, interest on money borrowed on a pledge of these shares, to an amount greater than the advance now realized—holding the shares for an advance, because the money could not then be realized on them; the amount now received on them above cost, must be applied to replace to interest or income account, the sums thus heretofore taken from it.

The condition of the transportation finances, at the close of the last year, then, may thus be stated.

Surplus on hand Jan. 1, 1845, . . .	\$21,489 03
Ordinary receipts in 1845, as above, . . .	\$813,480 15
Less expenses, in “ . . .	370,621 25
	<hr/> \$442,858 90
	<hr/> \$464,347 93
Ordinary interest paid in 1845, . . .	\$280,255 70
Less now repaid from shares as above, . . .	31,973 50
	<hr/> \$248,282 20
Payment to Albany sinking fund, . . .	10,000 00
“ to Mass. “ “ . . .	40,000 00

Amount dividend paid Sept. 1,	\$90,000 00	
		<u>\$368,282 20</u>

Net balance transportation account Dec. 31, 1845,	\$76,065 73
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which is over  $2\frac{1}{2}$  per cent on the capital.

The Legislature of last year, having authorized a sale of new stock at par, to replace the \$50,000 thus taken from income for the sinking funds, upon such sale hereafter this account will be increased by this amount,

\$50,000 00
<u>\$126,065 73</u>

The annexed account of the treasurer presents his statement of the entire receipts and payments for the year, as of Jan. 1, 1846, as required by law.

The whole number of miles run by all the trains, was as follows:—

For passenger trains,	202,478 miles.
“ merchandise trains,	289,619 $\frac{1}{2}$ “
“ miscellaneous “	38,108 $\frac{1}{2}$ “

Total miles run,	530,201 miles.
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The expenses averaged upon the mile run, gives per mile 69 $\frac{1}{2}$ .

The whole number of passengers carried over the road in 1845, was as follows, viz:—

Through passengers, 1st class,	13,401 $\frac{1}{2}$	
2d “	5,791	
		19,192 $\frac{1}{2}$
Way passengers, 1st class,	144,723	
2d “	59,717 $\frac{1}{2}$	
		<u>204,440<math>\frac{1}{2}</math></u>
Total passengers,	223,633	

The following tables present sundry yearly statistics of the passenger and merchandise traffic; and also the amount of *joint* merchandise business or that passing upon the whole, or parts, of both the Western and Worcester roads, and the division of the receipts therefor between the two companies.

*Comparative Yearly Statement of sundry Statistics of Transportation Business.*

Time.	RECEIPTS.				EXPENSES.	Balance of Receipts.	Miles Rm.	Total No. of Passengers.
	Passengers.	Freight.	Mail, &c.	TOTAL.				
3 months in 1839	\$13,472 94	\$4,136 21	.	\$17,609 15	\$14,380 64	\$3,228 51	.	.
1840	70,820 79	38,359 78	\$3,168 82	112,347 39	62,071 72	50,275 67	94,404	.
1841	113,841 85	64,467 14	4,000 00	182,308 99	†132,501 45	49,807 54	160,106	.
*1842	266,446 83	226,674 61	19,566 84	512,688 28	266,619 30	246,068 98	397,295	190,496‡
1843	275,139 64	275,696 19	23,046 68	573,882 51	303,973 06	269,909 45	441,608‡	200,965‡
1844	358,694 00	371,131 84	23,926 88	753,752 72	314,074 20	439,671 52	499,968	220,257‡
1845	366,753 02	420,717 30	26,009 83	813,480 15	370,621 25	442,858 90	530,201	223,633

\* First year of opening through to Albany.

† As corrected in Report of January, 1843.

*Table showing sundry Yearly Statistics of Transportation Business.*

Year.	No. Tons received and carried 1 mile.	Equal to carried over road 156 miles.	Through Freight, Boston to Albany. Tons.	Whole amount rec'd at, and sent from Boston, in connection with Western Road.	Barrels of Flour, Greenbush to Boston. ton.	Barrels of Flour, from Greenbush to all stations east.	Amount charged on all merchandise sent from Greenbush.
1842	6,211,971	39,815	2,472	TONS. 41,028	85,986	172,110	119,545
1843	9,414,621	60,350	5,268	56,368	123,366	244,239	167,087
1844	11,166,704	71,581	6,764	69,842	154,413	297,403	223,527
1845	14,569,223	93,392	8,099	84,369	181,796½	328,183	268,351

*Table showing the amount of the Joint Freight of the two roads for the years 1843, 1844 and 1845, with the amount received by each Company.*

Time.	WESTERN. Tons—1 mile.	WORCESTER. Tons—1 mile.	Rate per ton per mile, received by the		Amount received by each Company.		Excess which the B. and W. Co. has received over the am't which they would have received at the rate received by the Western Rail-road.
			WESTERN. cts.	WORCESTER. cts.	WESTERN.	WORCESTER.	
1843	6,624,267	2,713,037	2.47 <sup>0</sup> / <sub>100</sub>	3.33 <sup>0</sup> / <sub>100</sub>	\$164,256 11	\$90,424 49	\$23,168 31
1844	8,158,999	3,283,187	2.67 <sup>0</sup> / <sub>100</sub>	2.87 <sup>0</sup> / <sub>100</sub>	219,459 86	95,120 42	6,901 19
1845	9,992,310	3,818,635	2.88 <sup>0</sup> / <sub>100</sub>	3.08 <sup>0</sup> / <sub>100</sub>	255,713 94	117,093 10	19,374 24
	24,775,576	9,814,859			\$639,429 41	\$302,638 01	\$49,443 74



As will appear by reference to a preceding table, the sum of \$65,126 83 has been expended on *construction* account the past year. Nearly half of this was for additional lands required at the different stations, and for a freight house for the joint use of this and the Hartford and Northampton companies, at Springfield. The balance was on account of an engine, and for the grading of station lands, and various additions to buildings and fixtures on the whole line. At the Westfield station, a new and commodious passenger house has been erected, the grounds have been enlarged and graded, and other improvements made and additional freight houses have been built at Warren, and East Brookfield.

One eight-wheeled passenger engine of 15 tons, built by Hinckley & Drury, has been added during the year. This makes the supply 33 engines, and equal to 734 four-wheeled merchandise cars.

The supply, particularly of merchandise cars, has been found inadequate to the increasing business, and the board have recently ordered 4 heavy freight engines, 90 eight-wheeled merchandise cars, and 3 long first class passenger cars. In the press of business at East Albany during the last autumn, many boat loads of flour and other merchandise, were refused, and turned into other channels, for the want of cars in which to transport them; and this, although a night freight train was kept constantly running.

Considerable expenditures will be necessary the coming year for the further enlargement of buildings and other accommodations, at the stations of the greatest business. The erection of buildings for temporary storage of produce and merchandise at East Albany, would afford great convenience at that station, and give a capacity to do a much larger business, and with greater economy. It would give protection to property, which must be taken promptly from the boats, and need not be sent forward, but at the convenience of the company.

The contemplated joint freight house at Springfield will also require considerable expenditure at that station.

Largely increased accommodations are indispensable at the Palmer station, and the board during the year authorized these to be made, and also some changes at West Brookfield. Very strenuous efforts were made to command the necessary room for the additional buildings at Palmer. For this purpose, it was indispensable to alter a highway which crossed the grounds at the grade of the road, so far as to carry it over the rail-road by a convenient bridge. The corporation proposed to pay the whole expense; and the entire population, with

one exception, approved the change. But a majority of the county commissioners refused to allow it, on the ground that it *was more convenient for the public to cross the rail-road at the same grade, than on a bridge*. At present, the highway is frequently and necessarily obstructed by the trains standing across it, and prosecutions are threatened, as for a nuisance. Under these circumstances, as there is no appellate tribunal to apply to, unless a remedy is provided by law, there seems no way to accommodate the increasing business, or to avoid prosecutions, but to remove the station to another place, at great expense and sacrifice.

The improvements designed at the West Brookfield station will probably be carried out the present year.

In the course of last autumn, the Pittsfield and North Adams Rail-road Corporation has been organized, the requisite capital has been subscribed, and the road located and put under contract for grading. The work is in progress, and it is believed that the road-bed will be ready for the rails by the 15th day of July next; and that, if these are provided, the road may be opened for use in the month of September next.

This road is about 18½ miles long, and connects with the Western road about two miles east of the Pittsfield station. The subscription has been made by the stockholders of the Pittsfield and North Adams Rail-road Corporation, in pursuance of a preliminary agreement with this company, that the road shall be built by the latter with funds provided by the former, and that this company will take a lease of the same, and will run it, under a contract of transportation, for thirty years, paying, as a rent, six per cent. annually, upon its cost; with a provision that, at the end of that term, this corporation shall either buy the road, and its franchise and property at cost, or take a new lease thereof for a further term of 99 years, at a rent not exceeding 5 per cent. annually. In order to secure this company against any deficiency of income to pay the rents for the first ten years, a deposit has been made with the treasurer, by gentlemen at Adams, which is deemed adequate for the purpose. A permanent contract of transportation, to carry into effect these provisions, has been executed by the parties, a copy of which is annexed.

It is confidently anticipated by the friends of this road, that the business upon it will soon be sufficient to pay the stipulated rent, and as it will bring a new and large traffic from a great manufacturing district, to pass much longer distances upon the Western road, the latter

will doubtless derive a large accession of income from this source, at least sufficient to compensate the corporation for any chance of a deficiency of income upon the branch itself. Public attention has been recently drawn to the subject of the extension of this line northward to Bennington, and thence through the rich valley of Western Vermont, by way of Rutland to Burlington. Several enthusiastic meetings have been held upon the line in reference to such an enterprise, and the stockholders in the Western Rail-road are appealed to with earnestness, for their countenance, and *efficient aid* in the matter; and it is hoped that they will, individually, improve an early opportunity to respond to this call.

The Connecticut River Rail-road has been opened to Northampton, and the work from thence to Greenfield is in progress, with a promise that the whole road to that point will be in operation before the close of this year. This line will bring a valuable accession of business to the Western Road.

The undersigned regret that the differences between this corporation and the Worcester Company, have not been adjusted the last year, either by agreement of the parties, or the proposed union of the two roads. The laws of the last session required that company to do upon their road the business of this corporation, for a compensation to be fixed by commissioners, to be appointed by the Supreme Court. That company having declined to do that business at rates deemed reasonable by the undersigned, application was made to the court for the appointment of commissioners to define the same. But so many questions were raised, and so much delay has been interposed, that there is little prospect of any relief in the premises for a series of years; and, as it may be contended that the decision of commissioners, if ever appointed, cannot be retroactive in its operation, a petition has been presented, and is pending before a joint committee of the Legislature, praying the Legislature itself, at the present session, to provide a remedy for the grievances complained of.

This request is made under those provisions of the respective charters, which secure to this corporation the beneficial use of the Worcester road, "*at such a rate of toll as the Legislature may, from time to time, prescribe.*"

As it has been contended that this discretionary power cannot properly be delegated to commissioners, the undersigned rely with great confidence upon the justice of the Legislature, to relieve the corpora-

tion from a troublesome and expensive suit at law, and to furnish them with speedy and effectual redress.

GEORGE BLISS,  
EDM. DWIGHT,  
ABRM. H. HOWLAND,  
GEORGE PRATT,  
JAMES RUSSELL,  
ROBERT CAMPBELL,  
WILLIAM JACKSON,  
JOSIAH STICKNEY,

*Directors.*

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SUFFOLK, SS. *January 30, 1846.* Sworn to before me,  
ELLIS GRAY LORING,  
*Justice of the Peace.*

**JOSIAH QUINCY, JR.—TREASURER,—IN ACCOUNT WITH THE  
WESTERN RAIL-ROAD CORPORATION.**

*Receipts.*

Dr.—Balance of last annual account, . . . . .		\$ 16,841 87
Received for freight and passengers, . . . . .	\$ 813,480 15	
"    materials consumed, . . . . .	2,029 65	
"    interest accrued, but not due, . . . . .	7,440 13	
"    "    on bonds, . . . . .	2,304 00	
"    subscription on stock Pittsfield and N. Adams Rail-road, . . . . .	80,100 00	
"    Deferred account, . . . . .	286,406 80	
Due to James Barnes, superintendent, . . . . .	7,509 72	
	<hr/>	1,199,270 45
		\$ 1,216,112 32

*Expenditures.*

Cr.—Paid contingent fund, . . . . .	\$ 139 98	
"    land damages, . . . . .	2,593 94	
"    Baring, Brothers & Co., . . . . .	6,732 75	
"    depot lands, . . . . .	30,683 12	
"    sundry accounts, . . . . .	22 60	
"    engines and cars, . . . . .	8,170 83	
"    depot buildings, . . . . .	13,078 54	
"    transportation expenses, . . . . .	370,621 25	
"    interest for the past year, \$ 280,255 70		
"    less profits on sale of 3,266 shares W. R. R. stock, to refund interest paid in past years, . . . . .	31,973 50	
	<hr/>	\$248,282 20
"    sinking funds, . . . . .	50,000 00	
"    construction, . . . . .	8,140 15	
"    Albany and W. Stockbridge R. R., . . . . .	2,460 25	
"    Albany and W. Stockbridge interest account, . . . . .	19,800 00	
"    notes payable, . . . . .	161,966 27	
"    dividend, No. 1, . . . . .	79,886 00	
"    dividend, No. 2, . . . . .	88,712 00	
"    notes receivable, . . . . .	60,403 02	
"    James Barnes, agent transportation, . . . . .	14,858 94	
	<hr/>	1,166,551 84
Balance to new account, . . . . .		49,560 48
		<hr/>
		\$ 1,216,112 32

E. & O. E.                      **JOSIAH QUINCY, JR., TREAS. W. R. R. CORP.**  
**Boston, January 1, 1846.**

This indenture and contract of transportation, made this thirtieth day of January, in the year one thousand eight hundred and forty-six, by and between the Western Rail-road Corporation, of the first part, and the Pittsfield and North Adams Rail-road Corporation, of the second part, witnesseth,

That whereas it is agreed, by and between the parties hereto, that the party of the first part shall construct and finish the Pittsfield and North Adams Rail-road, in the name and under the charter of the party of the second part, with funds to be provided by the said party of the second part, and that the same shall be leased to and run by the party of the first part, for the time and upon the terms hereinafter set forth :—Now, therefore, the said party of the second part, in consideration of the premises, and of the covenants of the party of the first part, hereinafter contained, as well as of ten dollars, paid by said party of the first part, do, by these *presents*, grant, lease and demise, unto the said party of the first part, their successors and assigns, the whole of the said Pittsfield and North Adams Rail-road, extending, from its junction with the Western Rail-road, to its northern termination in the village of North Adams, as the same is now located, or shall be hereafter located and constructed, together with all the lands, depots, buildings, tracks, fixtures, property, rights, privileges and franchises, thereto appertaining or belonging, or which may hereafter be procured or purchased by, or be granted, appertain or belong to the said road, or to the said Pittsfield and North Adams Rail-road Corporation, with the full right and privilege of using the said road, depots, and other property and rights, with cars, engines or other motive power, or to permit or authorize others so to use the same, in any way, which the said party of the first part, their successors or assigns, may, from time to time, elect, and as fully and freely as the said party of the second part might or could do under their charter, and any additions made or to be made thereto; to have and to hold the said rail-road, as the same is now located, or shall be hereafter located or constructed, and all lands, depots and other property, rights, privileges and franchises, whether now acquired or hereafter to be procured, unto the said party of the first part, their successors and assigns, for and during the full term of thirty years from the time of opening the said rail-road for the use of the public, and for and during such further time thereafter as the said party of the first part shall then elect to take a renewed lease of said road, under the provisions hereinafter contained, and as fully and freely, to all intents and purposes, as the

said party of the second part might or could have, enjoy and use the same under their charter, and any additions made, or to be made thereto; and to enable the said party of the first part, beneficially to enjoy and improve the said granted property, rights and privileges, the said party of the second part hereby nominate, constitute and appoint the said party of the first part their successors and assigns, their attorneys irrevocable, with full power and authority to use the name of the party of the second part in and about the location, construction, repair, management and running of the said Pittsfield and North Adams Rail-road, and all the property, rights, privileges and franchises, which may now, or at any future time, appertain or belong thereto; with the right and power to establish, receive and collect fares, rates of compensation and rents, for the use of said road and other property, or for the transportation of persons, merchandise, mails, and every description of property upon and over said road, or any part thereof, for the sole use and benefit of the said party of the first part, their successors and assigns; and to make any contracts, covenants or agreements, proper and necessary for all the purposes herein provided for, with any persons or corporations whatever, in the name of the party of the second part, and under their corporate seal or otherwise, and generally to do and perform all other acts and things in the premises, which the said party of the second part might lawfully do; with full power and authority also to use the name of the party of the second part, in and about any proceedings at law or in equity, which the said party of the first part may judge necessary or expedient, in and about all the business and proceedings aforesaid, or for the purpose of fully securing to the said party of the first part, their successors and assigns, the quiet and beneficial enjoyment, possession and use of the said road and of all the property rights, privileges and property, hereby granted, secured and demised, or for any other purpose consistent with the true intent and meaning of this indenture; and with the right, for all the purposes aforesaid, from time to time, to substitute and appoint one or more attorneys, under the said party of the first part, and the same at pleasure to revoke.

And the said party of the second part hereby covenant and agree, with the said party of the first part, their successors and assigns, that they will, during the term in which the provisions of this indenture shall be in force, at all times, continue and preserve the legal organization of the said Pittsfield and North Adams Rail-road Corporation, will hold such meetings, pass such votes, appoint all such officers, and

confer upon them all such powers, keep such records of their proceedings, make such reports to the Legislature or otherwise, as may be required by law, and do all such other acts as may be necessary and proper to carry into full effect all the objects and provisions of this indenture, and that they will, on reasonable demand, hereafter give such other assurances as may be necessary therefor, all expenses of said party of the second part being paid by the party of the first part.

And the said party of the second part hereby further covenant and agree with the said party of the first part, their successors and assigns, that at the expiration of the said term of thirty years, they will, as the said party of the first part shall in writing elect and request, either give to the said party of the first part, their successors and assigns, an absolute grant, assignment and release in perpetuity, of the said road and other property, rights, privileges and franchises, by a deed or other instrument proper and legal therefor, to the said party of the first part, or such party as they shall designate, upon payment by the said party of the first part, to the said party of the second part, of an amount sufficient to pay to each stockholder in the said Pittsfield and North Adams Rail-road Corporation, the par value of his shares,—and will cause the said shares to be transferred to such person or persons, or such corporation as the said party of the first part shall designate; or, if so elected by said party of the first part, will make, execute, and deliver, to the said party of the first part, their successors and assigns, a renewed indenture of lease for a further term of ninety-nine years, from and after the expiration of said term of thirty years, with powers, rights, privileges, covenants and provisions, similar to those herein contained, upon the execution of the same, in two parts, by the said party of the first part, with similar covenants and provisions by and for the said party of the first part, as are herein contained and provided to be performed by the said party of the first part. And the said party of the second part hereby further covenant and agree, that they will provide and pay over to the party of the first part, the funds necessary for the construction of the said Pittsfield and North Adams Rail-road, and for the buildings and fixtures therefor, in good order for convenient use, as fast as the same are needed, and as from time to time requested by the said party of the first part. And if the said party of the first part, shall, at any time hereafter, consent to and request that the said Pittsfield and North Adams Rail-road Corporation, may be united with the Adams and Bennington Rail-road Cor-



poration, or that when so united into one corporation, the said united corporation shall be further united with the Western Vermont Railroad Company, according to the provisions of the charter of said Adams and Bennington Railroad Corporation, which may be granted by the Legislature of Massachusetts, the said party of the second part will, by vote at legal meeting for the purpose, consent to such unions severally, and pass all proper votes, and give all necessary authority therefor, and will execute, or cause to be executed and delivered, such agreements, covenants, and indentures, as may be necessary and proper to carry into full effect the objects of these provisions, and that the said party of the second part will not consent to the said unions, or either of them, unless so requested by the said party of the first part, in writing.

And the said party of the second part hereby further covenant and agree with the said party of the first part, their successors and assigns, that when the said road shall be completed, and the titles to the same, and to the lands, fixtures and other property thereof, shall be vested in said party of the second part, they will, on request, execute and deliver to said party of the first part, an indenture of confirmation, reassembling the provisions of this instrument upon the terms and conditions thereof, so far as they may then be applicable. And the said party of the first part, in consideration of the premises, and of the covenants and agreements of the said party of the second part herein contained, hereby covenant and agree with the said party of the second part, their successors and assigns, that they will proceed in the name and under the charter of the party of the second part, and construct the said Pittsfield and North Adams Railroad, its fixtures and buildings, as fast as the same can be economically done, and as funds shall be provided therefor by said party of the second part, the same to be constructed in a manner in all respects equal to the Western Railroad; and that, when so completed, they will provide the necessary power and other equipment, and will open and run the same during the term, for the accommodation of the public—and will pay, as a rent therefor, a sum equal to six per cent. annually, upon the amount of the whole cost of said road, its buildings and fixtures, as the same shall have been paid by the party of the second part; the said rent to be paid semi-annually, on the first days of January and July, during the term. And the said party of the first part further covenant and agree with the said party of the second part, their successors and assigns, that, at the expiration of said term of thirty years,

they will, at their election, either take a new lease or contract of transportation, for a further term of ninety-nine years, with similar provisions, covenants and agreements, by both parties, with those contained herein, so far as then applicable, excepting that the said party of the first part shall agree to pay, during said renewed term, as a rent, a sum not exceeding five per cent. annually, upon the amount of the cost of said road, buildings and fixtures, and to be paid semi-annually, or will purchase the said road, buildings and the franchise thereof, and pay an amount sufficient to pay to each stockholder in the said Pittsfield and North Adams Rail-road Corporation, the par value of his shares, upon receiving an absolute deed thereof, as herein before provided.

In testimony whereof, the said parties have to this, and one other indenture of even tenor and date, caused their respective corporate seals to be affixed, and the same to be signed by George Bliss, President of said Western Rail-road Corporation, and by Josiah Quincy, Jr., Treasurer of said Pittsfield and North Adams Rail-road Corporation, (thereto severally authorized by votes,) the day and year first above written ; each party having a part.

The Western Rail-road Corporation, by

Executed and delivered

GEORGE BLISS. [SEAL.]

in presence of

ELLIS GRAY LORING.

The Pittsfield and North Adams  
Rail-road Corporation, by

JOSIAH QUINCY, JR., *Treasurer*. [SEAL.]

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COMMONWEALTH OF MASSACHUSETTS.

SUFFOLK, ss. *January 30, 1846.* Then personally appeared the above named George Bliss, President of the Western Rail-road Corporation, and Josiah Quincy, Jr., Treasurer of the Pittsfield and North Adams Rail-road Corporation, and severally acknowledged the above written instrument to be the free act and deed of said corporations respectively.

Before me,

ELLIS GRAY LORING,

*Justice of the Peace.*

**At a meeting of the board of directors of the Western Rail-road Corporation, duly held in Boston, January 29, 1846 :—**

The foregoing contract being submitted to the board, the same was Read and approved, and ordered to be executed by the President, GEORGE BLISS, Esq., in behalf of this Corporation, under the seal thereof, and delivered as its deed.

**ELLIS GRAY LORING, *Clerk.***

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**At a meeting of the board of directors of the Pittsfield and North Adams Rail-road, duly held in Boston, January 30, 1846 :—**

The foregoing contract being submitted to the board, the same was Read and approved, and ordered to be executed by the Treasurer, JOSIAH QUINCY, JR., Esq., in behalf of this Corporation, under the seal thereof, and delivered as its deed.

**ELLIS GRAY LORING, *Clerk.***

## REPORT

*Of Commissioners of the Sinking Fund of the Western Rail-road.*

The Commissioners of the Sinking Fund of the Western Rail-road, in compliance with the directions of the statute, submit the following report of their proceedings during the past year, of the amount and condition of the said fund, and of the income of the same.

The amount of this fund on the 31st day of December, 1844, as per Commissioners' Report,	\$237,053 65
And there has been received from the Western Rail-road Corporation, Dec. 31, 1845, 1 per cent, on loan of \$4,000,000,	40,000 00
Received for dividends and interest, including \$166 95 gain on \$4000, U. States 5½ per cent. stock paid off,.	13,556 96
	<hr/>
	\$290,610 61
	<hr/>

The investments are as follows :

Notes and mortgages,	\$159,600 00
Notes and collateral,	900 00
	<hr/>
	\$160,500 00
\$29,000 U. States 5 per cent.	
stock, cost	\$29,860 00
\$7000 U. States 6 per cent.	
stock, cost	7,000 00
175 shares Providence Rail-	
road stock,	16,537 50
100 shares Boston and Wor-	
cester Rail-road,	11,880 00
42 shares Lowell Rail-road,	25,128 75
	<hr/>
	\$90,406 25
Cash on hand,	39,704 36
	<hr/>
	\$290,610 61
	<hr/>

If there be added to this, \$300 interest due and unpaid, also interest accrued but not due, it will amount, on the 1st day of January, 1846, to \$295,373 28, which would be the whole amount of this fund on that day.

JOS. BARRETT,  
JOSIAH QUINCY, JR.

*Commissioners of the Western Rail-road Sinking Fund.*

Boston, Dec. 31, 1845.

THIRD ANNUAL REPORT  
OF THE  
WORCESTER BRANCH  
RAIL-ROAD COMPANY

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*To the Honorable the Senate and House of Representatives, in General Court assembled :*

The Directors of the Worcester Branch Rail-road respectfully present their Third Annual Report.

At the commencement of the present year, the Worcester Branch Rail-road was made complete by the small amount of work required for the side tracks and sliding table. This rail-road runs through the valley in the centre of Worcester, where a large and increasing mechanical business is established, from Lincoln Square to a junction with the Boston and Worcester Rail-road, at a point a few rods west of the covered bridge near the passenger station, and thence it has access with other rail-roads which lead from Worcester. This small branch was designed chiefly for the accommodation of mechanical business, with a remote expectation of direct profit from the stock. The length of this rail-road is 2900 feet.

The Expenditures of the Company have been as follows :

For land damages,	-	-	-	-	\$1,420 41
For construction,	-	-	-	-	8,406 22
For repairs of track,	-	-	-	-	32 15
For collecting tolls,	-	-	-	-	30 00
					<hr/>
					\$9,888 78
					<hr/>

The Receipts of the Company have been as follows :

From stock,	-	-	-	-	-	-	\$8,300 00
From freight,	-	-	-	-	-	-	308 46
From loan,	-	-	-	-	-	-	1,444 60
							<hr/>
							\$10,053 06
							<hr/>

In the last year 4273<sup>167</sup>/<sub>1000</sub> tons of freight have been carried by this railroad.

W. A. WHEELER,  
FRED. WM. PAINE,  
SAMUEL DAVIS,  
STEPHEN SALISBURY,

*Directors.*

WORCESTER, January 1, 1846.

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WORCESTER, ss. *January 24, 1846.* Then personally appeared the above-named William A. Wheeler, Fred. Wm. Paine, Samuel Davis and Stephen Salisbury, and made oath that the above written report, by them subscribed, is true according to the best of their knowledge and belief.

Before me,

JOHN GREEN,

*Justice of the Peace.*

FIRST ANNUAL REPORT  
OF THE  
WORCESTER AND NASHUA  
RAIL-ROAD COMPANY.

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*To the Honorable Legislature of the Commonwealth of Massachusetts :*

The Directors of the Worcester and Nashua Rail-road Company, respectfully present their First Annual Report of their acts and doings, receipts and expenditures.

The corporation was organized on the 25th day of June, 1845, pursuant to the act of incorporation, by the choice of thirteen directors, and the adoption of a code of by-laws.

The Board of Directors was organized July 2d, 1845, by the choice of a President, a Clerk pro tem., a Treasurer, an Engineer, and an Executive Committee consisting of three members.

The Treasurer gave the necessary bond, and was also duly sworn into office as Clerk pro tem, and immediately entered upon the duties of his office in both said capacities.

On the 2d July, 1845, the directors ordered an instalment of five dollars per share, on the capital stock of the corporation which had been, or should be subscribed for, payable on the eleventh day of August, 1845.

The experimental surveys were commenced July 21st, 1845, and were extended over a large tract of country. The mean length of all the lines run from Worcester to Nashua, is  $44\frac{1}{2}$  miles. The survey for definite location within this State, was commenced December 19, 1845, and has been completed on about 20 miles of the line, the whole of which will be ready to put under contract in the coming spring.



138 WORCESTER AND NASHUA RAIL-ROAD. [Feb.

The receipts from stockholders have been, up to Dec.

31, 1845, . . . . .	\$18,900 00
Amount due sundry persons, unpaid Dec. 31, 1845, . . . . .	17 18
	<hr/>
	\$18,917 18
	<hr/>

The expenditures have been, up to Dec. 31, 1845 :

Preliminary expenses, . . . . .	\$1,633 96
Engineering department, . . . . .	4,016 44
Miscellaneous Expenses, . . . . .	1,238 40
Cash in treasurer's hands, Dec. 31, 1845, . . . . .	12,028 38
	<hr/>
	\$18,917 18
	<hr/>

EDWIN CONANT,  
JOHN C. HOLLAND,  
WM. BRIGHAM,  
ALEX. DE WITT,  
JACOB FISHER.

WORCESTER, Dec. 31, 1845.

COMMONWEALTH OF MASSACHUSETTS.

SUFFOLK, ss. *Boston, Jan. 24th, 1846.* Then personally appeared the above named John C. Holland and William Brigham, and severally made oath that the foregoing report, by them subscribed, is true according to their best knowledge and belief.

Before me,

R. N. PEIRCE,  
*Justice of the Peace.*

COMMONWEALTH OF MASSACHUSETTS.

SUFFOLK, ss. *Boston, Jan. 27th 1846.* Then personally appeared Alex. De Witt, and made oath that the foregoing report, by him subscribed, is true according to the best of his knowledge and belief.

Before me,

CHARLES HAYWARD,  
*Justice of the Peace.*

**WORCESTER, ss.** Jan. 29, 1846. Then personally appeared Jacob Fisher, and made oath that the foregoing report, by him subscribed, is true according to the best of his knowledge and belief.

Before me,

**CALEB DANA,**

*Justice of the Peace.*

**WORCESTER, ss.** Jan. 29, 1846. Then personally appeared Edwin Conant, and made oath that the foregoing report, by him subscribed, is true according to the best of his knowledge and belief.

Before me,

**CALEB DANA,**

*Justice of the Peace.*



## SENATE....No. 22.

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### Commonwealth of Massachusetts.

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IN SENATE, February 6, 1846.

The Joint Standing Committee on Prisons, to which were referred the Annual Reports of the Inspectors, Warden and Physician of the State Prison, submit the subjoined

### REPORT:

The Reports of the Officers of the State Prison have been, by the Committee, examined and considered, and to this source of information, touching the affairs in that institution, personal examination and inquiry at the Prison, have been superadded. On visiting the Prison, the Committee were fortunate in finding there the Inspectors, Warden, Chaplain and Physician, with whom they freely communicated, and from whom they received ready and satisfactory answers to such inquiries as it was deemed proper to make; the result of all which, is the pleasing conviction, in the minds of the Committee, that the administration of the affairs of the institution has been judicious and discreet, and well calculated to produce desired results.

The Committee deem it unnecessary to go into detail in reference to the expenditures of the past year, the improvements which have been made, the course of discipline pursued, (which, the Committee believe, has been characterized by mildness and

humanity,) as all these subjects and others, have been fully noticed in the Reports of the officers of the Prison, which the Committee are of opinion, after a careful examination into their details, are fully justified by facts, so far as they have come to their knowledge. The Physician, in his report, asks attention to a "more complete apparatus for bathing." In regard to the matter of bathing, he says, no argument need be used to show that an occasional bath of warm water, during the cold months of the year, would conduce as much to health as to cleanliness.

At present, the Prison is without this useful and salutary convenience. This part of the Report of the Physician, received the special attention of the Committee, and the Physician was requested, with the Inspectors and Warden, upon due examination, to furnish to the Committee such data as might be useful to them in their investigation of the subject. Subsequently, the Physician made the following communication to the Committee:—

CHARLESTOWN, Feb. 4th, 1846.

*To the Gentlemen of the Committee on Prisons:—*

In compliance with the request of some of your Committee, I offer this communication. Since your meeting at the Prison, I have made inquiry of the Warden and mechanics, as to the expense of fitting up a bathing apparatus, and as to the most suitable place. I am led to believe, that it would be best to locate it over the canal, at the back part of the yard. A building of about ten feet by eighteen would furnish room enough for two bathing tubs for warm water. This building would also allow of their taking a cold bath, in warm weather, without being exposed, from the yard, to observation. It is thought that a water tank, holding several hogsheads of water, could be heated from the escape steam of the steam engine, which is near by, and that this warm water could be conveyed by a pipe, for use, to the bathing tubs. This small building would cost one hundred dollars; the water tank and pipes one hundred dollars; other expenses fifty dollars; making the whole expense two hundred and fifty dollars.

As the result of their examination and inquiry, the Committee are of opinion that a more complete apparatus for bathing should be furnished, and therefore recommend, that the sum of two hundred and fifty dollars be appropriated from the funds of the prison for that purpose, and report the accompanying Resolves.

Per order of the Committee,

CALVIN WILLARD, *Chairman*,

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-six.

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### RESOLVES

Relating to the State Prison.

*Resolved*, That the Inspectors and Warden of the State Prison be, and they are hereby, authorized to cause to be erected in the Prison yard, a small building, with suitable apparatus for bathing.

*Resolved*, That the sum of two hundred and fifty dollars be appropriated from the funds of the Prison, for carrying the foregoing Resolve into effect.

## SENATE.....No. 23.

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### Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, Jan. 15, 1846.

*Ordered*, That so much of the Governor's Address as relates to the State Prison, be referred to the Committee on Prisons.

Sent up for concurrence.

C. W. STOREY, *Clerk*.

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IN SENATE, Jan. 16, 1846.

Concurred.

CHAS. CALHOUN, *Clerk*.



## **Commonwealth of Massachusetts.**

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IN SENATE, February 6th, 1846.

The Joint Standing Committee on Prisons, to which was referred so much of the Governor's Address as relates to the State Prison, present the subjoined

### **R E P O R T :**

The notice of the Governor, in his address, of the small library in the State Prison, has received the respectful attention of the Committee; and, from personal inquiry, and the concurrent statements of the Inspectors, Warden, Chaplain and Physician, the Committee are unanimously of opinion, that an increase of the library would be judicious, and tend to the moral improvement of the inmates of the institution, who are necessarily excluded from many sources of moral instruction and religious advancement, constantly open to the thoughtful and reflecting, who are blest in the enjoyment of personal freedom. The Committee, therefore, recommend, that the sum of one hundred dollars be appropriated, from the prison funds, for the purchase of additional books; and, for that purpose, report the accompanying Resolves.

Per order of the Committee,

**CALVIN WILLARD, *Chairman.***

## **Commonwealth of Massachusetts.**

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In the Year One Thousand Eight Hundred and Forty-Six.

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### **RESOLVES**

Concerning the Library in the State Prison.

*Resolved*, That the Warden of the State Prison be and he is hereby authorized to pay, to the Inspectors of said prison, from the treasury thereof, the sum of one hundred dollars, to be by them expended in purchasing books for the use of the convicts in said prison.

*Resolved*, That the books hereby authorized to be purchased be added to the library attached to the prison, and be distributed among the convicts, in such manner and under such regulations as the Inspectors may, from time to time, direct.



## SENATE.....No. 24.

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### Commonwealth of Massachusetts.

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IN SENATE, Feb. 6, 1846.

The Joint Committee on Manufactures, to which was committed the Petition of Joel Britton and others, praying an act of incorporation for the erection of a Steam Mill in Concord, and also the Remonstrance of Daniel Harris and others against the same, have given the parties a hearing, and, after mature consideration, have directed the

### REPORT

of the accompanying Bill.

NATHANIEL B. BORDEN, *Chairman.*

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Six.

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### AN ACT

To incorporate the Concord Steam Mill Company.

**BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1    SECT. 1. Joel Britton, S. F. Belknap, William  
2 Thompson, their associates and successors, are hereby  
3 made a corporation, by the name of the Concord Steam  
4 Mill Company, for the purpose of erecting a Steam  
5 Mill in the town of Concord, county of Middlesex,  
6 for sawing lumber, planing boards, grinding grain,  
7 and for other mechanical purposes ; with all the pow-  
8 ers and privileges, and subject to all the duties, restric-  
9 tions and liabilities, set forth in the thirty-eighth and  
10 forty-fourth chapters of the Revised Statutes.

1    SECT. 2. Said corporation may hold real and per-  
2 sonal estate, necessary and convenient for the pur-  
3 poses aforesaid, not exceeding in amount fifty thousand  
4 dollars.





## SENATE.....No. 25.

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### Commonwealth of Massachusetts.

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IN SENATE, Feb. 6th, 1846.

The Joint Committee on Manufactures, to which was committed the Petition of James Moex and others, praying an act of incorporation for the erection of a Steam Mill in Acton, and the Remonstrances of Moses Hayward and others, and of Winthrop E. Faulkner against the same, have given the parties a hearing, and after mature consideration have directed the report of the accompanying Bill.

NATHANIEL B. BORDEN, *Chairman.*



## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Six.

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### AN ACT

To incorporate the West Acton and Boxborough Steam Mill Company.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1   SECT. 1. James Moex, Silas Davis, Robert  
2 Chaffin, their associates and successors, are hereby  
3 made a corporation, by the name of the West Acton  
4 and Boxborough Steam Mill Company, for the pur-  
5 pose of erecting a steam mill in the town of Acton,  
6 county of Middlesex, for sawing lumber, grinding  
7 grain and plaster, planing boards, making sashes,  
8 blinds and doors, and for other mechanical purposes ;  
9 with all the powers and privileges, and subject to all  
10 the duties, restrictions and liabilities, set forth in the

11 thirty-eighth and forty-fourth Chapters of the Re-  
12 vised Statutes.

1 SECT. 2. Said corporation may hold real and  
2 personal estate, necessary and convenient for the  
3 purposes aforesaid, not exceeding in amount fifty  
4 thousand dollars.



## SENATE.....No. 26.

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### Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, Jan. 22d, 1846.

*Ordered*, That the Committee on the Library consider the expediency of directing the Secretary of the Commonwealth to transmit, free of charge, one copy of all documents published in his office, to the editor of each newspaper in the Commonwealth.

Sent up for concurrence.

C. W. STOREY, *Clerk*.

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SENATE, January 23, 1846.

Concurred.

CHAS. CALHOUN, *Clerk*.

## **Commonwealth of Massachusetts.**

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IN SENATE, Feb'y 6th, 1846.

The Committee on the Library, who were instructed by an Order of January 22d, to consider the expediency of transmitting certain Documents to the several editors of newspapers in the Commonwealth, report a Resolve.

By order :

EDM. KIMBALL, JR.

## **Commonwealth of Massachusetts.**

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In the Year One Thousand Eight Hundred and Forty-six.

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### **R E S O L V E**

Relating to the transmission of certain Documents.

*Resolved*, That the Secretary be authorized and directed to forward, free of charge, one copy of all Documents published in his office, to the editor of each newspaper in the Commonwealth.



# SENATE.....No. 27.

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## **Commonwealth of Massachusetts.**

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**TREASURY OFFICE, February 6th, 1846.**

The enclosed document, prepared in compliance with an Order of the Honorable Senate of February 5th, instant, is respectfully submitted.

**JOS. BARRETT, *Treasurer.***

*To the Honorable President of the Senate.*



*Names and Residence of, and amount of Duties paid by, each Auctioneer in the Commonwealth, during the year 1845, on account of the terms ending Dec. 1, 1844, June 1 and Dec. 1, 1845 ; furnished by the Treasurer of the Commonwealth, in compliance with an order of the Senate, dated Feb. 5, 1846.*

Name.	Residence.	To Dec. 1, 1844.	To June 1, 1845.	To Dec. 1, 1845.
J. M. Allen, . . .	Boston, . . .	\$347 15	\$367 44	.
John Atkins, . . .	" . . .	9 75	18 34	.
Stephen Brown, . . .	" . . .	451 49	661 00	.
R. N. Berry & Co., . . .	" . . .	234 13	462 15	.
Samuel K. Bayley, . . .	" . . .	168 85	.	.
Joseph Buckley, . . .	" . . .	120 38	233 42	.
T. M. Baker, . . .	" . . .	36 70	33 74	.
Coolidge & Haskell, . . .	" . . .	3515 24	1958 22	.
Clark & Hatch, . . .	" . . .	263 95	343 18	.
P. P. F. Degrand, . . .	" . . .	132 76	47 40	.
Dowley & Whall, . . .	" . . .	.	266 34	.
Houghton & Tucker, . . .	" . . .	696 70	494 15	.
Howe, Leonard & Co., . . .	" . . .	577 12	238 81	.
E. F. Hall, . . .	" . . .	374 50	181 28	.
Humphrey, Webb & Co., . . .	" . . .	228 50	136 99	.
Hall & Evans, . . .	" . . .	.	172 47	.
Daniel Hersey, . . .	" . . .	116 58	113 55	.
E. & G. Hall, . . .	" . . .	56 60	19 94	.
R. C. Kemp, . . .	" . . .	162 10	91 32	.
Lewis & Sampson, . . .	" . . .	28 67	.	.

Name.	Residence.	To Dec. 1, 1844.	To June 1, 1845	To Dec. 1. 1845.
William C. Murdock, .	Boston, .	.	\$193 54	\$448 98
H. Meredith & Co., .	" . .	\$44 87	32 49	.
John H. Osgood, . .	" . .	328 26	621 61	.
S. A. Pierce, . .	" . .	42 74	35 27	.
Phillips & Sampson, .	" . .	.	54 36	.
Pearmain & Hall, . .	" . .	20 38	27 94	.
Henry Robbins & Co., .	" . .	2440 94	2579 73	.
T. P. & O. Rich, . .	" . .	1238 39	738 48	.
Samuel Raymond, . .	" . .	321 16	206 93	.
Edward Riddle, . .	" . .	239 97	252 76	.
Richard Riley, . .	" . .	70 66	102 24	.
George W. Simmons, .	" . .	1 00	No sales.	.
Sanborn & Leavitt, .	" . .	.	.	3 96
Tappan Sargent, . .	" . .	.	47 68	.
John Tyler, . . . .	" . .	2693 22	4368 06	.
Moses Tenney, . .	" . .	910 91	295 04	.
Topliff & Evans, . .	" . .	564 72	439 09	.
N. A. Thompson & Co., .	" . .	225 99	315 14	.
Whitwell, Seaver & Co.,	" . .	2918 80	4811 48	.
F. E. White, . . . .	" . .	952 34	841 03	.
S. A. Walker, . . . .	" . .	144 53	125 65	.
Otis H. Weed & Co., .	" . .	128 03	.	.
Prentiss Whitney, . .	" . .	85 27	92 14	.
William B. White, . .	" . .	33 67	.	.
Charles Waite, . . .	" . .	.	54 78	.
Charles Wade, . . .	" . .	27 03	.	.
		\$23,974 05	\$22,075 20	\$452 96

Name.	Residence.	To Dec. 1, 1844.	To June 1, 1845.	To Dec. 1, 1845.
Levi Arnold, . .	Belchertown, .	\$7 27	.	.
F. E. H. Allen, . .	Bernardston, .	.	\$0 20	.
Theodore Andrews, . .	Ipswich, .	9 36	.	.
Wm. S. Annis, . .	Methuen, .	2 09	.	.
John Atsatt, . . .	Rochester, .	4 22	.	.
Geo. Austin, . . .	Swansey, .	3 57	.	.
Edward Allen, . . .	Salisbury, .	33 49	13 17	.
Jas. N. Archer, . . .	Salem, . .	123 12	.	.
P. T. Abell, . . .	Seekonk, .	9 80	.	.
Joel Balcom, . . .	Ashby, . .	7 31	.	.
Elkanah Briggs, . . .	Attleborough, .	24 62	.	.
Moody Bridges, . . .	Andover, .	4 60	.	.
Francis Baldwin, . . .	Billerica, .	.	.	\$9 67
Stephens Baker, . . .	Beverly, .	.	.	16 78
David Bursley, . . .	Barnstable, .	3 82	.	.
Daniel Bacon, . . .	Barre, . .	19 03	58 43	.
Fiske Bacon, . . .	Charlton, .	.	9 62	.
Moses Bates, Jr., . . .	Cambridge, .	4 99	.	.
Addison Boyden, . . .	Dedham, .	.	11 38	.
Sumner Balcom, . . .	Douglas, .	1 38	.	.
Crocker Babbit, . . .	Dighton, .	45	.	.
Z. T. Briggs, . . .	Freetown, .	14 43	3 75	.
William Boynton, . . .	Georgetown, .	8 89	.	.
Isaiah Bearse, . . .	Hanson, .	3 94	.	1 45
Emory Barnard, . . .	Harvard, .	20 00	11 27	.
Obed Brooks, . . .	Harwich, .	4 31	.	.

Name.	Residence.	To Dec. 1, 1844.	To June 1, 1845.	To Dec. 1, 1845.
Stephen Baker, Jr., . .	Ipswich, . .	\$7 24	.	.
Samuel N. Baker, . .	" . .	1 66	.	.
Jas. P. Boyce, . .	Lynn, . .	4 32	.	.
Daniel Bolles, . .	Littleton, . .	14 61	.	.
F. D. Brigham, . .	Marlborough, . .	28	.	.
Samuel Blanchard, . .	Medford, . .	.	\$52 17	.
Lucas Bigelow, . .	Marlborough, . .	.	14 20	.
John N. Barrow, . .	New Bedford, . .	46 90	.	.
Levi Barnes, . .	Plymouth, . .	3 39	.	.
Asa S. Bowly, . .	Provincetown, . .	26 06	10 77	.
Thompson Baxter, . .	Quincy, . .	8 73	.	.
Ebenezer Boynton, . .	Rowley, . .	2 14	.	.
Joseph Bartlett, . .	Rockport, . .	1 52	.	.
Rufus Bacon, . .	Sutton, . .	9 98	.	.
Philip Bowers, . .	Somerset, . .	12 82	.	.
James B. Bardwell, . .	Shelburne, . .	5 40	.	.
E. S. Beals, . .	Weymouth, . .	1 17	.	.
W. S. Bradbury, . .	Westminster, . .	94	.	.
T. W. & C. P. Bancroft, . .	Worcester, . .	127 83	.	.
John E. Bartlett, . .	W. Newbury, . .	4 15	.	.
Henry Barber, . .	Warwick, . .	1 00	.	.
Joseph W. Capron, . .	Attleborough, . .	10 59	.	.
Samuel P. Crosswell, . .	Falmouth, . .	54	.	.
James Chase, . .	Harwich, . .	No sales.	.	.
John K. Corbett, . .	Hingham, . .	10 12	.	.
Jacob Caldwell, . .	Haverhill, . .	7 35	26 17	.

Name.	Residence.	To Dec. 1, 1844.	To June 1, 1845.	To Dec. 1, 1845.
Appleton Clark, . .	Hubbardston,	\$8 69	. .	.
B. T. Cross, . . .	Lowell, .	25 52	\$41 16	.
William Chandler, .	Lexington, .	13 68	15 54	.
Augustus Clarke, .	Northampton,	4 94	7 43	.
Jonathan Coolidge,	Newburyport,	49 78	.	.
Zenas Cushman, . .	Plympton, .	No sales.	.	.
M. G. Cheever, . .	Princeton, .	9 77	.	.
Nathaniel Clapp, .	Scituate, .	8 56	.	\$11 54
Benjamin Colman, .	Salem, . .	30 39	30 90	.
Azel Capen, . . .	Stoughton, .	12 96	.	.
John S. Cobb, . . .	Weymouth, .	6 17	.	.
William P. Dolliver,	Gloucester, .	10 75	16 77	11 43
Dexter Dana, . . .	Newburyport,	11 73	16 19	.
Moses Dorman, Jr.,	Boxford, . .	3 66	.	.
Joseph Downs, . .	Canton, .	7 16	.	.
G. W. Donaldson, .	Falmouth, .	20	.	.
Martin Dunster, . .	Gardner, .	28	.	.
Emory Drury, . . .	Leicester, .	4 06	.	.
J. M. Decker, . . .	Manchester, .	5 71	.	18 96
Lebbeus Daniels, .	Mendon, .	1 52	.	.
Silas Dean, . . .	Oakham, .	.	.	2 44
A. E. DuBois, . . .	Randolph, .	33 49	.	.
Benjamin Dana, . .	Watertown, .	4 23	.	.
Jonathan Day, . . .	Webster, .	3 03	.	.
Ebenezer Eaton, .	Dorchester, .	12 59	13 93	.
Colburn Ellis, . .	Dedham, .	15 52	20 81	.

Name.	Residence.	To Dec. 1, 1844.	To June 1, 1845.	To Dec. 1, 1845.
William Elliot, . .	Greenfield, . .	.	\$1 67	.
Amara Eames, . .	Hopkinton, . .	.	4 67	.
John C. Farnham, . .	Andover, . .	\$19 24	.	.
Thomas C. Foster, . .	" . .	8 72	11 62	\$32 46
Alden Fuller, . .	Acton, . .	7 60	.	28 80
C. M. Fogg, . .	Braintree, . .	11 48	.	.
Asa French, . .	" . .	13 73	.	.
Charles Flagg, . .	Brookfield, . .	.	11 00	.
Fosdick, Carter & Co., . .	Charlestown, . .	3 77	24 06	.
Nathan Fisher, . .	Medfield, . .	.	06	.
Zenas French, . .	Randolph, . .	19 71	13 57	2 10
Daniel Fellowes, . .	Edgartown, . .	1 38	.	.
Alfred Fales, . .	Foxborough, . .	13 84	.	.
William Ferson, . .	Gloucester, . .	11 38	.	.
Calvin Farnsworth, . .	Lunenburg, . .	3 75	.	.
Nathan Fisher, . .	Medfield, . .	43	.	.
Warren Fuller, . .	Monson, . .	1 01	.	.
John Ford, . .	Marshfield, . .	95	.	.
G. G. Folger, . .	Nantucket, . .	15 19	.	.
D. A. Fisher, . .	Wrentham, . .	156 00	.	.
Samuel S. Green, . .	Cambridge, . .	11 83	.	.
Elisha Gunnison, . .	Concord, . .	68	.	.
Calvin Guild, . .	Dedham, . .	4 60	10 59	.
Whiting Gates, . .	Leominster, . .	3 15	.	.
John Gilley, . .	Marblehead, . .	.	.	10 48
George Greenleaf, . .	Newburyport, . .	33 50	54 84	.

Name.	Residence.	To Dec. 1, 1844.	To June 1, 1845.	To Dec. 1, 1845.
Jason Goulding, . .	Phillipston, .	\$7 11	.	.
A. B. Gifford, . .	Westport, .	3 32	.	.
Philip E. Hill, . .	Bridgewater, .	6 45	.	.
George R. Hichborn, .	Brighton, .	21 70	\$32 45	.
Luther Hinckley, . .	Barnstable, .	.	40 05	.
Samuel Hayward, . .	Boxborough, .	.	.	\$25 31
Cyrus Heald, . .	Carlisle, .	17 52	20 92	.
Joseph S. Hart, . .	Charlestown, .	.	5 70	.
Daniel Howland, Jr., .	Dartmouth, .	3 84	.	.
Zebina Howes, . .	Dennis, .	1 11	.	.
Thomas L. Hobart, . .	Hingham, .	.	.	.
Isaac Hallock, Jr., .	Hubbardston, .	8 64	.	.
Jonathan Hartwell, .	Littleton, .	8 02	.	.
Rufus Hayward, . .	Mendon, .	5 34	.	.
William P. Hewins, . .	Medfield, .	76	35 93	4 91
Thomas F. Hammond, .	Natick, .	14 63	.	.
Earl Hodges, . .	Norton, .	4 13	.	.
B. H. Holmes, . .	Plymouth, .	6 20	.	.
S. D. Harrington, . .	Paxton, .	1 03	.	.
James Haskell, . .	Rockport, .	2 37	.	.
A. F. Howe, . .	Roxbury, .	196 78	96 54	.
William Hatfield, . .	Springfield, .	34 72	.	.
Hatfield & Gorham, .	" .	.	29 05	8 75
Samuel D. Hixon, . .	Sharon, .	5 66	.	.
William Hubbard, . .	Topsfield, .	68	.	.
Giles Holbrook, . .	Wellfleet, .	3 03	.	.

Name.	Residence.	To Dec. 1, 1844.	To June 1, 1845.	To Dec. 1, 1845.
Horace Heard, . .	Wayland, . .	.	\$21 14	.
P. B. Howard, . .	Wareham, .	.	.	\$4 86
Harvey Ide, . . .	Attleborough,	\$6 34	.	.
N. P. Johnson, . .	Dana, . .	4 04	.	.
W. D. Joplin, . .	Danvers, .	22 45	.	.
Henry Josselyn, . .	E. Bridgewater,	36 31	.	.
Joseph Jackson, . .	Middleborough,	6 43	12 32	.
Nathan Jones, . .	N. Bridgewater,	7 15	.	.
Cyrus Josselyn, . .	Plainfield, .	2 17	.	.
William James, . .	Scituate, .	2 20	.	.
John Jones, . . .	Weston, .	11 17	.	.
Edmund Kimball, . .	Bradford, .	5 19	.	.
J. B. King, . . .	N. Bedford, .	51 72	61 26	.
Ambrose Kingman, . .	Reading, .	11 50	48 27	.
Porter Kellogg, . .	Montague, .	1 00	.	.
O. S. Kingsbury, . .	Mansfield, .	2 94	.	.
Henry Kirkland, . .	Northampton,	5 30	.	.
H. N. Kimball, . .	N. Bedford, .	26	.	.
Henry Knight, . .	S. Reading, .	6 13	.	.
John Kenny, . . .	Truro, . .	9 21	.	.
John Kenney, Jr., . .	" . .	4 50	.	.
Edward Kendall, . .	Westminster,	5 59	.	19 88
Martin King, . . .	W. Springfield,	4 49	.	.
O. W. Lane, . . .	Bedford, .	6 97	16 73	.
E. B. Lamson, . .	Boylston, .	4 96	.	.
Joseph Leavitt, . .	Canton, .	34 14	.	.



Name.	Residence.	To Dec. 1, 1844.	To June 1, 1845.	To Dec. 1, 1845.
Lucius Lyons, . .	Coleraine, .	.	.	\$1 19
W. C. Lewis, . .	Groton, .	.	\$23 08	.
Obadiah Lyon, . .	Halifax, .	\$6 53	.	.
Asa Longley, . .	Leominster, .	4 86	.	.
T. H. Longley, . .	Millbury, .	25 21	.	.
Aaron Lincoln, Jr., .	Norton, .	79	.	.
Eddy Lincoln, Jr., .	" . .	9 51	.	.
Wealey Lewis, . .	Upton, . .	04	.	.
Alvin Leonard, . .	Ware, . .	2 46	.	.
S. R. Morse, . .	Athol, . .	78	.	.
J. B. Morrill, . .	Amesbury, .	11 25	.	.
Edward Mitchell, . .	Bridgewater, .	9 28	.	.
Jeremiah Mayo, . .	Brewster, .	64	.	.
Frederick Manson, .	Cambridge, .	16 04	.	.
Royal Morse, . .	" . .	10 30	.	.
Lemuel Mosher, . .	Dartmouth, .	.	10 51	.
A. Mellen, . .	Edgartown, .	2 76	.	.
Charles Merritt, . .	Lynn, . .	23 06	18 88	.
John McWales, . .	Milford, .	.	.	10 79
N. C. Martin, . .	Milton, . .	.	.	no sales.
Wm. N. Mitchell, . .	N. Adams, .	1 88	.	.
James Maynard, . .	Northborough, .	2 81	.	.
Gorham Macy, . .	Nantucket, .	5 45	.	.
F. C. Macy, . .	" . .	\$1 03	.	.
George Mason, . .	Northfield, .	1 93	.	.
J. W. Marshall, . .	Rockport, .	3 61	.	.

Name.	Residence.	To Dec. 1, 1844.	To June 1, 1845.	To Dec. 1, 1845.
Daniel M. Moore, . .	Springfield, .	\$2 27	.	.
Nahum Morse, . .	Uxbridge, .	12 36	.	.
Thornton A. Merrick, .	Worcester, .	21 57	.	.
Seth Nims, . .	Amherst, .	1 86	.	.
Moses Nowell, . .	Chelsea, .	30 57	.	.
Henry Nelson, . .	Milford .	1 04	.	.
Daniel Nurse, . .	Medway, .	.	\$10 08	.
Jeremiah Nichols, .	Reading, .	1 44	.	.
George Nichols, . .	Salem, . .	326 57	388 01	.
Thomas Needham, .	" . .	4 52	23 20	.
Curtis Newton, . .	Southborough,	9 62	.	.
B. F. Newhall, . .	Saugus, .	10 10	.	.
A. W. Oldham, . .	Pembroke, .	6 15	.	\$2 96
D. Oldham, . .	" .	7 14	.	.
John H. Partridge, .	Athol, . .	2 57	.	.
Stephen Parker, . .	Billerica, .	11 81	.	.
E. Pousland, . .	Beverly, .	3 19	.	.
Moses Prichard, . .	Concord, .	16 76	30 58	.
Ezra Perkins, Jr., .	Essex, . .	6 05	.	.
Isaiah D. Pease, . .	Edgartown, .	1 67	.	.
P. P. Pierce, . .	Lexington, .	4 09	.	.
E. B. Patch, . .	Lowell, .	.	131 30	.
do . .	" .	.	192 41	.
Joseph Parker & Son, .	" .	.	112 67	.
Dudley Porter, Jr., .	Medford, .	9 28	.	.
William Perkins, . .	Middleton, .	.	4 46	.

Name.	Residence.	To Dec. 1, 1844.	To June 1, 1845.	1845. To Dec. 1,
William W. Partridge, ..	Northampton,	\$15 73	.	\$24 63
George Pearl, . . .	Roxbury, .	5 76	.	.
William W. Pratt, . .	Shrewsbury, .	9 23	\$9 98	.
C. W. Prouty, . . .	Scituate, .	1 26	.	.
Elijah Pierce, . . .	" .	2 43	.	.
Jeremiah Paine, 2d, .	Truro, . .	1 09	.	.
Charles Powers, . . .	Townsend, .	4 31	.	.
R. Y. Paine, . . .	Wellfleet, .	90	.	73
George Rockwood, . .	Ashburnham, .	20 67	10 05	.
Luther Rodgers, Jr., .	Marshfield, .	2 35	.	.
Nathan Robinson, . .	Malden, .	.	.	5 90
Ira C. Root, . . .	Norton, .	54	.	.
Willard Rice, . . .	Spencer, .	10 24	.	.
Anson Robbins, . . .	Scituate, .	9 54	.	.
George Read, . . .	Roxbury, .	.	30 96	.
John M. Reed, . . .	W. Bridgewater, .	12 79	.	.
Asa Sawyer, . . .	Berlin, . .	38	.	.
Daniel Sawin, . . .	Bridgewater, .	2 24	9 06	.
Thomas Shed, . . .	Billerica, . .	.	10	.
Nathaniel Snow, . . .	Chatham, .	3 34	.	.
Samuel Staples, . . .	Concord, .	.	.	15 26
Samuel P. Smith, . . .	Holliston, .	8 98	.	11 94
W. J. M. Steele, . . .	Haverhill, .	18 63	.	.
S. C. Shapleigh, . . .	Lowell, .	109 99	.	.
Thomas Stacy, . . .	Lynn, . .	13 49	.	.
J. Sparhawk, Jr., . .	Marblehead, .	22 25	.	.

Name.	Residence.	To Dec. 1, 1844.	To June 1, 1845.	To Dec. 1, 1845.
Eliab Snow, . .	New Braintree,	\$4 31	.	.
Edmund Smith, . .	Newbury, .	8 48	\$27 17	.
Edmund Smith, Jr., .	Newburyport,	1 05	.	.
Peter Strain, . .	" .	10 48	18 39	.
Azariah Snow, . .	Orleans, .	2 16	.	.
William Snow, . .	Raynham, .	2 33	1 46	.
Gorham Smith, . .	Rowley, .	.	6 41	.
Micah Smith, . .	Stow, . .	21 64	.	.
Joseph Smith, . .	Sudbury, .	.	9 69	.
Gilbert A. Smith, . .	South Hadley	.	6 68	.
Levi Stearns, . .	Townsend, .	4 97	.	.
Joshua Small, . .	Truro, . .	no sales.	.	.
David Smith, . .	Waltham, .	13 81	.	\$14 19
Elijah Stoddard, . .	Upton, . .	58	.	.
William Tukesbury, .	Amesbury, .	80	.	.
John Tuck, 2d, . .	Beverly, .	3 34	.	.
James Tisdale, . .	Dover, . .	25 94	.	.
Hiram Thayer, . .	Hadley, .	.	23 08	.
Joseph Tappan, Jr., .	Newburyport,	5 22	.	.
Lyman Taft, . .	Northbridge, .	1 51	.	.
Simon Thompson, . .	Tyngsborough,	5 97	.	.
J. W. Thayer, . .	Weymouth, .	3 21	.	.
Thomas Thacher, . .	Yarmouth, .	5 64	.	.
Robert Vose, . .	Dorchester, .	.	6 03	.
Thomas Vinal, . .	Scituate, .	41	.	.
C. R. Vickery, . .	Taunton, .	97 24	40 02	.

Name.	Residence.	To Dec. 1, 1844.	To June 1, 1845.	To Dec. 1, 1845.
Francis Woodbury, .	Beverly, .	\$6 09	\$58 44	.
William Winn, Jr., .	Burlington, .	4 47	.	.
Richard S. Wood, .	Falmouth, .	3 14	60 74	.
Joseph Ward, . .	Fall River, .	.	.	\$20 54
Liberty Wood, . .	Grafton, .	.	.	4 48
H. C. Wilder, . .	Hingham, .	No sales.	.	.
Charles White, . .	Haverhill, .	5 31	.	.
B. F. Wilson, . .	Holland, .	8 17	.	.
Wm. F. Wade, Jr. .	Ipswich, .	12 85	.	.
Joel Wilder, 2d, . .	Lancaster, .	4 86	10 82	.
John T. White, . .	Medford, .	3 08	.	.
N. Waterman, . .	New Bedford, .	1 22	.	.
Dexter Ware, . .	Needham, .	13 87	.	.
John Whitney, . .	Princeton, .	85	.	.
Isaac Wright, . .	Plympton, .	7 96	.	.
James Willet, . .	Rochester, .	61 16	.	.
Ephraim Willey, . .	Stoneham, .	13 89	.	.
Obil Walker, . .	Upton, .	5 24	.	.
Mark Whitcomb, . .	Winchendon, .	4 91	.	.
Samuel B. White, . .	Whately, .	24	.	.
Asa Young, . .	Barnstable, .	3 82	.	.
		\$24,244 31	\$24,275 78	\$775 08

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Amount received from January 1 to June 1, 1845, on account of term ending December 1, 1844, . . . . .	\$24,244 31
Amount received from June 1 to December 1, 1845, on account of term ending June 1, 1845, . . . . .	24,275 78
Amount received from December 1, 1845, to January 1, 1846, on account of term ending December 1, 1845, . . . . .	775 08
Total for year 1845, . . . . .	<hr/> \$49,295 17 <hr/>



## SENATE.....No. 28.

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### Commonwealth of Massachusetts.

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IN SENATE, Feb'y 7th, 1846.

The Joint Committee on Manufactures, to which was committed the Petition of Charles W. Cartwright and others, praying a change in the law regulating the transfer of Shares, in Manufacturing Corporations, report the accompanying Bill.

NATHANIEL B. BORDEN, *Chairman.*



## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Six.

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### AN ACT

#### Concerning Manufacturing Corporations.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1   SECT. 1. Any shares may be transferred by the  
2 proprietor thereof, by an instrument, in writing, under  
3 his hand, recorded by the clerk of the corporation, in  
4 a book to be kept for that purpose ; and the purchaser  
5 named in such instrument, so recorded, shall, on pro-  
6 ducing the same to the treasurer, and delivering to  
7 him the former certificate, be entitled to a new cer-  
8 tificate.

1   SECT. 2. That part of the twelfth section of the  
2 thirty-eighth chapter of the Revised Statutes, which

3 requires the transfer of shares to be by deed, under  
4 seal, and acknowledged before some justice of the  
5 peace, is hereby repealed.

1     SECT. 3. This act shall take effect from and after  
2 its passage.



# SENATE.....No. 29.

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## Commonwealth of Massachusetts.

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IN SENATE, Feb. 11th, 1846.

The Committee on Public Lands, to whom was referred the Petition of the Trustees of the Worcester County Manual Labor High School, for a Resolve explanatory of a Resolve approved March 20th, 1845,

### R E P O R T :

The following is the resolve passed the last year :

*Resolved*, That there be and hereby is granted to the trustees of the Worcester County Manual Labor High School, in Worcester, their successors in said office or assigns, for the sole use and benefit of said school, one half of a township six miles square, from the unappropriated lands in the State of Maine, which, on the division of said lands, fell to the share of this Commonwealth ; subject to all the reservations usual in grants of this kind ; the same half township to be vested in said trustees, their successors, and assigns forever, for the sole use and benefit of said school, reserving four hundred acres, one half for the use of schools and the other half for the use of the ministry therein ; the said half township to be laid out under the direction of the Commissioners for the sale and settlement of eastern lands, or of the agent of the Massachusetts

Land Office, at the expense of the said trustees; *provided*, the said trustees, within five years from and after the laying out and location of said half township, cause ten families to be settled thereon; *and provided, also*, that said trustees give bond to the Treasurer of this Commonwealth, faithfully to apply the proceeds and avails of said half township, to the sole use and benefit of said Worcester County Manual Labor High School.

It is contended by the petitioners that the grant to them is ambiguous, and that they are not restricted by it to the townships of which this Commonwealth is the sole proprietor; but, on the contrary, have a right to make a selection from any of those which this State and Maine hold in common. This construction, they affirm, has high legal authority to support it. Massachusetts is the sole owner of twenty-two townships; and it owns jointly with Maine, between fifty and sixty, which are already surveyed. It is obvious that the latitude of choice assumed by the petitioners, would increase the value of the donation of which they are the trustees. But the Committee do not admit that there is any such ambiguity in the grant as the petitioners affect to have discovered. It is clear, in their opinion, that the location of the half township mentioned in it, is limited to the unappropriated townships in the State of Maine, which are held by this Commonwealth in severalty; which were surveyed, divided and set off to it, by Commissioners appointed for that purpose; and that it ought not to be made from those which are held jointly and undivided between this State and Maine. A different construction would be opposed to the uniform practice of the Government. In no instance has it manifested its bounty by grants of land owned by the two States in common. If the Legislature intended such a location as the petitioners contend for, it is a little singular that the resolve should be silent about the assent of Maine, without which that intention could not be executed. Indeed, the petitioners themselves rather solicit a favor than assert a right. But the Committee are not aware that the institution of which they are the trustees, although it may deserve the fostering care

of the Government, has any such claims upon it as would justify the establishing of a pernicious precedent.

As no advantage would probably accrue to this State, or to the school, from a compliance with that condition in the resolve which relates to the settling of ten families on the half township, the Committee are of opinion that it should not be insisted upon.

The act relating to the separation of the District of Maine from Massachusetts Proper, provides, "that in all grants to be made by either State of unlocated land within the district, the same reservations shall be made for the benefit of schools and of the ministry, as have been usual in this Commonwealth." Any dispensing act or resolve, therefore, of this State, in respect of such reservations, without the concurrence of Maine, will be inoperative; but as the benefit which may be derived in any quarter from retaining them in the present case, is contingent and remote, while that which will be received by the school without them, is immediate and direct, the Committee think, that so far as it depends upon this Commonwealth, they should be dispensed with.

With these views, they recommend the passage of the accompanying Resolve.

For the Committee,

EDM. KIMBALL, JR., *Chairman.*

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-six.

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### RESOLVE

To define and explain a Resolve, passed on the twentieth day of March last, on the Petition of the Trustees of the Worcester County Manual Labor High School.

*Resolved*, That said Resolve be so construed as to relieve and discharge the half township therein mentioned, from settling duties and reservations, and to authorize said tract to be located, under the direction of the Land Agent of this Commonwealth, at the expense of the grantees, from any of the unappropriated townships in the State of Maine, which have been already surveyed, divided, and set off to this Commonwealth; *provided, however*, that the said State of Maine shall assent to the discharge of said half township from the said reservations; *and provided further*, that said tract be located within two years from the first day of March next; and *provided*, that all the other conditions of said Resolve are complied with and fulfilled.

## SENATE.....No. 30.

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### Commonwealth of Massachusetts.

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IN SENATE, Feb. 17th, 1846.

The Committee on Mercantile Affairs and Insurance, to which was committed the Petition of the Boston Wharf Company, praying leave to continue their wharf to the lines provided in the act approved March 26, 1845,

### REPORT:

That they have given the parties interested, for and against the said petitioners, a full hearing; and having personally viewed the premises and considered the proofs, arguments and facts in the case, they are satisfied by the most ample testimony, as well as by their personal examination, that the petitioners who have, during the last season, extended their works to the northerly lines of the act approved March 26, 1845, have not thereby crossed over "any creek or channel," or over any sheet of water of any value to the public more than common flats, or navigable for any useful purpose. That the place across which the Boston Wharf has been so extended, was "a gully" merely, in the flats, where, it was soon divided



up and lost. That it led neither to the sea nor to the land—but towards the rocks, ledges and sand banks, which run out northerly and westerly from the shore. Your Committee are of opinion, that the Boston wharf has done a benefit, rather than an injury, by crossing this gully—and that, so far as said wharf has been extended, it is beneficial to navigation and the public. These limits under the act aforesaid, are still six hundred feet short of that fixed by the Commissioners appointed in 1837, to define the lines of the channel of Boston harbor; and the erection of such a structure upon the easterly side of Fore Point Channel, to confine the waters in the channel, is in strict conformity with the views of that Board of Commissioners, and of the second Board of Commissioners appointed in 1839; and accords also with the general law of 1840, defining the lines of that part of Boston harbor.

The Committee have been unable to see any thing in the case rendering it improper to confirm these limits. The act of 1845, expressly provided that its "provisions shall in no wise affect the *legal* rights of any persons or corporations whatever;" and we are of opinion that it does not affect any *equitable* rights of any such persons.

The petitioners appear to have acted under the advice of able counsel, engineers and experienced men, in making their late erection, and, in the opinion of the Committee, they have not crossed any creek or channel navigable or useful to the public, nor such as should deprive them of the full benefit of their grant aforesaid; and they have unanimously agreed upon the Bill, which is herewith respectfully submitted.

Per order of the Committee.

DENNIS CONDRY.

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Six.

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### AN ACT

To confirm “An Act to authorize the Boston Wharf Company to extend their Wharf.”

**BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1    **SECT. 1.** The Boston Wharf Company are here-  
2 by authorized and empowered to extend and main-  
3 tain their wharf, in South Boston, to the extent and  
4 within the limits specified in that portion of the act,  
5 entitled “An Act to authorize the Boston Wharf  
6 Company to extend their Wharf,” approved on the  
7 twenty-sixth day of March, in the year one thousand  
8 eight hundred and forty-five, which precedes the  
9 word “provided” : and shall have all and the same  
10 rights and privileges, and may extend their wharf or  
11 wharves in the same manner, as if the provision in  
12 the act aforesaid relating to “any creek or channel”

13 had never been inserted therein, hereby confirming  
14 the act aforesaid, without such provision or limita-  
15 tion: and declaring that the line established by the  
16 act concerning the harbor of Boston, passed on the  
17 seventeenth day of March, in the year one thousand  
18 eight hundred and forty (known as "the commis-  
19 sioners' line) shall be the line on Fore Point Channel,  
20 beyond which said wharf shall not be extended in a  
21 westerly direction. And nothing in this act con-  
22 tained, shall be so construed as to authorize said  
23 Boston Wharf Company to extend their wharf east-  
24 erly, any further than the line of their legal easterly  
25 boundary line continued; or so as to cross the legal  
26 western boundary lines of flats belonging to any  
27 other proprietors extended in the same direction in,  
28 which they now run, or of the westerly lines of flats  
29 legally belonging to any such other proprietors, if  
30 extended—nor to lay vessels easterly of the last  
31 mentioned line or claim dockage therefor any longer  
32 than the same shall remain otherwise unappropriated  
33 by this Commonwealth.

## SENATE....No. 31.

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### Commonwealth of Massachusetts.

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IN SENATE, February 17, 1846.

The Joint Committee on Towns, to which was committed the Petition of Edward Howe, praying to be set off from the town of Ipswich and annexed to the town of Boxford, have had the same under consideration, and report the accompanying bill.

JOHN G. THURSTON, *Chairman.*

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Six.

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### AN ACT

To set off a part of the town of Ipswich and Annex the same to the town of Boxford.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1 SECTION 1. That the tract of land containing  
2 about ten acres, heretofore situated in the town of  
3 Ipswich, in the County of Essex, lying northerly of  
4 the following described lines, viz : Commencing at  
5 the westerly corner of Ipswich, at a stone marked  
6 " Ips. Top. Box.," in land of Isaac Hale, at the cor-  
7 ners of Ipswich and Topsfield at Boxford line—and  
8 thence running south fifty-four degrees, east sixty-  
9 four rods and three links to a bound stone between  
10 Ipswich and Topsfield, at a point northerly of the  
11 house of Elbridge S. Bixby ; and thence running  
12 north twenty-two degrees, east sixty rods and ten

13 links to a point on the present line between Ips-  
14 wich and Boxford, with the inhabitants thereon, be  
15 set off from said town of Ipswich and annexed to  
16 said town of Boxford; and said inhabitants shall  
17 hereafter be considered inhabitants of Boxford, and  
18 shall there exercise and enjoy all the rights and  
19 privileges, and be subject to all the duties and lia-  
20 bilities, in like manner with the other inhabitants of  
21 said town of Boxford. *Provided*, that said land and  
22 the inhabitants thereon, shall be holden to pay all  
23 such taxes as have lawfully been assessed or granted  
24 by said town of Ipswich, in the same manner as they  
25 would have been holden if this Act had not been  
26 passed.



## SENATE....No. 32.

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### Commonwealth of Massachusetts.

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IN SENATE, Feb. 19, 1846.

The Joint Committee on Railways and Canals, to which was committed the Petition of Joseph S. Cabot and others, praying for leave to construct a rail-road from Salem to Methuen, report the accompanying Bill.

THOS. HOPKINSON, *Chairman.*



## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Six.

---

### AN ACT

To incorporate the Essex Rail-road Company.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1   SECT. 1. Joseph S. Cabot, Elias Putnam, Gayton  
2 P. Osgood, John P. Allen, Albert Thorndike, their  
3 associates and successors, are hereby made a corpo-  
4 ration, by the name of the Essex Rail-road Company,  
5 with all the powers and privileges, and subject to all  
6 the duties, liabilities and restrictions, contained in  
7 the forty-fourth chapter of the Revised Statutes, and  
8 in that part of the thirty-ninth chapter of said stat-  
9 utes which relates to rail-road corporations, and in  
10 the public statutes which have been, or may be,  
11 passed relating to such corporations.

1   SECT. 2. Said corporation is hereby empowered  
2 and authorized to locate, construct and maintain a  
3 rail-road, with one or more tracks, from some con-  
4 venient point on or near the North River in Salem,  
5 through South Danvers, New Mills, Danvers Plains,  
6 Middleton, North Andover, through the valley of  
7 the Cochickiwick River, thence crossing the present  
8 track of the Boston and Maine Rail-road, thence on  
9 the southeasterly side of the proposed new line of  
10 the Boston and Maine Rail-road to a point near and  
11 below Andover Bridge, with power to proceed thence  
12 across the proposed new track of the Boston and  
13 Maine Rail-road and Merrimack River, to some  
14 point in Methuen west of the turnpike, and within  
15 half a mile of said river, without interfering with  
16 the depot grounds or fixtures of the Boston and  
17 Maine Rail-road Company.

1   SECT. 3. The capital stock of said corporation  
2 shall consist of not more than five thousand shares,  
3 the number of which shall be determined, from time  
4 to time, by the directors, and no assessment shall  
5 be laid thereon to a greater amount, in the whole,  
6 than one hundred dollars on each share; and said  
7 corporation may purchase and hold such real and  
8 personal estate as may be necessary for the purposes  
9 of their incorporation.

1   SECT. 4. If said corporation shall not, within two  
2 years, file a location of their route in the manner  
3 required by law, or if the said rail-road shall not be  
4 completed within four years from the passage of this  
5 act, then this act shall be void.

1   SECT. 5. The Legislature may, after the expira-  
2 tion of four years from the time when said rail-road  
3 shall be opened for use, from time to time, alter or  
4 reduce the rate of tolls or other profits upon said  
5 road ; but, without the consent of said corporation,  
6 they shall not be so reduced as to yield less than ten  
7 per cent. per annum to the stockholders.

1   SECT. 6. Said corporation may enter with their  
2 rail-road, by proper turnouts and switches, upon the  
3 Eastern Rail-road at Salem, and use the same, or any  
4 part thereof, paying therefor such a rate of tolls or  
5 compensation as may, from time to time, be agreed  
6 upon, or as the Legislature shall establish, and com-  
7 plying with such reasonable rules and regulations as  
8 may be established by the Eastern Rail-road Com-  
9 pany ; *provided, however,* that the company hereby  
10 established shall not enter upon said road with any  
11 motive power unless the said Eastern Rail-road  
12 Company shall refuse to draw, over their road, or  
13 any part thereof, the cars of the company hereby  
14 created.

1   SECT. 7. The Legislature may authorize any  
2 corporation to enter with any other rail-road at any  
3 point upon said Essex Rail-road, and use the same  
4 or any part thereof, paying therefor such a rate of  
5 toll as the Legislature may, from time to time, es-  
6 tablish, and complying with the rules and regulations  
7 which may be established by said Essex Rail-road  
8 Company ; *provided,* that no corporation shall enter  
9 upon said Essex Rail-road with any motive power,  
10 unless the Essex Rail-road Company shall refuse to

11 draw, over their road, or any part thereof, the cars  
12 of such corporation.

1     SECT. 8. The company hereby created, in cross-  
2 ing with their road the track of the Boston and Maine  
3 Rail-road, shall, at their own expense, adopt such  
4 reasonable precautionary measures to render such  
5 crossing safe, as said Boston and Maine Rail-road  
6 shall in writing prescribe ; and in case of disagree-  
7 ment in regard to such measures, or the propriety  
8 or necessity thereof, the same shall be determined  
9 by the County Commissioners of Essex County, on  
10 the application of either party.







## SENATE....No. 33.

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### Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, Jan. 27, 1846.

*Ordered*, That the Committee on Towns consider the expediency of requiring every town in the Commonwealth to be furnished with a fire-proof safe, for the preservation of town records and other important documents.

Sent up for concurrence.

CHAS. W. STOREY, *Clerk*.

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SENATE, January 28, 1846.

Concurred.

CHAS. CALHOUN, *Clerk*.



## **Commonwealth of Massachusetts.**

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IN SENATE, Feb. 19th, 1846.

The Joint Committee on Towns, to which was committed the order to take into consideration the expediency of requiring every town in the Commonwealth to be furnished with a fire-proof safe for the preservation of town records and other important documents, report the accompanying Bill.

JOHN G. THURSTON, *Chairman.*

## Commonwealth of Massachusetts.

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In the year One Thousand Eight Hundred and Forty-Six.

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### AN ACT

To provide for the safe keeping of Town Records.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

1   SECT. 1. Each town and city of this Common-  
2   wealth shall provide, and keep for its own use, a fire-  
3   proof safe or fire-proof apartment, of sufficient capac-  
4   ity to contain the records of said town or city, and  
5   the records of deeds of personal estate which may  
6   be left to be recorded with the clerk of said town or  
7   city, and also all such documents and papers as are  
8   important to the welfare and history of the town or  
9   city, or to the preservation of the rights and immu-  
10   nities of the inhabitants of the same.

4     **SAFE KEEPING OF TOWN RECORDS. [Feb. '46.]**

1     **SECT. 2.** If any town or city of this Common-  
2 wealth shall wilfully or unreasonably neglect, for the  
3 space of one year, to comply with the provisions of  
4 the foregoing section of this act, it shall forfeit the  
5 sum of fifty dollars to be recovered in any court of  
6 competent jurisdiction in this Commonwealth, upon  
7 the complaint of any legal voter of the delinquent  
8 town or city, one half of which sum, so recovered,  
9 shall be paid into the treasury of the Commonwealth,  
10 and one half to the complainant.

## SENATE....No. 34.

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### **Commonwealth of Massachusetts.**

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IN SENATE, February 19, 1846.

The Joint Special Committee on Railways and Canals, to which was committed the Petition of the Boston and Maine Rail-road Corporation, praying for liberty to change their route in Andover, have considered the same, and report the accompanying Bill.

G. WHEATLAND, *Chairman.*

**Commonwealth of Massachusetts.**

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In the year One Thousand Eight Hundred and Forty-Six.

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**AN ACT**

In addition to an Act incorporating the Boston and Maine Rail-road.

**BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

1   SECT. 1. That the Boston and Maine Rail-road  
2 Corporation are hereby authorized and empowered  
3 to locate and construct a rail-road, commencing at a  
4 point in their present road, as now constructed in  
5 the South Parish of the town of Andover, between  
6 the south end of the Thompson Curve, so called,  
7 and the public road leading from the city of Salem  
8 to the Andover Bridge, running down the valley of  
9 the Shawshine River, to a point near the said Ando-  
10 ver Bridge, thence along the right Bank of the Mer-  
11 rimack River, to intersect their present road, near

12 Sutton's Mills, in the North Parish of Andover, and  
13 discontinue so much of their present road as they  
14 may deem expedient; *provided, however*, that, if the  
15 road to be constructed diverges from the present  
16 road, south of the depot in South Andover, then, the  
17 new road, shall pass within one thousand feet of the  
18 said depot.

1     SECT. 2. They are also empowered to locate and  
2 construct a branch rail-road, commencing in a point  
3 of the road granted by the first section of this act,  
4 and continuing to a convenient terminus, in the town  
5 of Methuen, crossing the Merrimack River by a  
6 bridge.

1     SECT. 3. The said corporation, in locating, con-  
2 structing, and maintaining the new sections of rail-  
3 road, hereby authorized, shall have and enjoy all the  
4 privileges and powers, and be subject to all the du-  
5 ties, restrictions, and liabilities, set forth in the forty-  
6 fourth chapter of the Revised Statutes, and that part  
7 of the thirty-ninth chapter of said statutes, and the  
8 statutes subsequently passed relating to rail-road  
9 corporations.

1     SECT. 4. The said corporation are hereby au-  
2 thorized to increase their capital stock by the amount  
3 of five hundred thousand dollars.

1     SECT. 5. The Legislature may authorize any  
2 company to enter with another rail-road, upon, and  
3 use the said sections of rail-road, hereby authorized,  
4 or any part thereof, according to the provisions of

5 the statutes of the Commonwealth, paying therefor  
6 such rates of toll, or compensation, as the Legisla-  
7 ture shall from time to time prescribe; and comply-  
8 ing with such rules and regulations as the Boston  
9 and Maine Rail-road Company may prescribe.

1    SECT. 6. If the location of the section of rail-  
2 road hereby authorized, is not filed according to law,  
3 within one year, or if said company shall not com-  
4 plete said road, to the extent provided in the first  
5 section of this act, within three years from the date  
6 of the same, then this act shall be null and void.

1    SECT. 7. This act shall take effect from and  
2 after its passage.

## **SENATE.....No. 35.**

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### **Commonwealth of Massachusetts.**

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*To the House of Representatives :*

I transmit herewith to the Honorable House, for the information and use of the Legislature, Resolves of the State of Vermont concerning the union of Texas with the United States.

**GEO. N. BRIGGS.**

**COUNCIL CHAMBER, Feb. 19th, 1846.**



## STATE OF VERMONT.

*Resolved by the Senate and House of Representatives, That the Constitution of the United States confers no power on Congress to incorporate with this Union any foreign independent State whatever.*

*Resolved, That the union of Texas to these United States, for the avowed purpose of extending and perpetuating slavery, will inevitably tend to weaken if not dissolve the bonds of union now subsisting between the States.*

*Resolved, That we, as representatives of the freemen of Vermont, do hereby solemnly protest against the admission of Texas to this Union, without the consent of each and every State in the Union.*

*Resolved, That our Senators and Representatives in Congress be requested to oppose, by all legal and constitutional means, the proposed union of Texas with the United States.*

*Resolved, That the Governor be requested to transmit a copy of the foregoing Resolutions to the Governors of the several States, and to each of our Representatives and Senators in Congress, and to the President of the Republic of Texas.*

IN HOUSE OF REPRESENTATIVES, November 5, 1845.

Considered, amended and passed.

F. F. MERRILL, *Clerk.*

IN SENATE, November 5th, 1846.

Read and passed in concurrence.

D. W. C. CLARKE, *Secretary.*

EXECUTIVE DEPARTMENT, }  
*Middlebury, Vermont,* December 18, 1845. }

Sir,—I transmit to you the foregoing Resolutions of the Legislature of the State of Vermont.

I have the honor to be, very respectfully,

Your obedient servant,

WILLIAM SLADE.



# SENATE.....No. 36.

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## Commonwealth of Massachusetts.

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IN SENATE, February 19, 1846.

The Joint Standing Committee on Banks and Banking, to whom was committed an Order of the 24th ult. referring to said Committee the Abstract of the Returns of the several Institutions for Savings, "with instructions to examine the same and report whether or not they have been conducted during the past year, in accordance with the laws of the Commonwealth," have attended to that duty and submit their

### REPORT:

Savings Banks deserve a high place among charitable institutions, for their management not less than for their effects. It is a great result to redeem from unheeding waste so large a sum, as ten millions of dollars; and it is better still when this large amount is gathered, for the most part, for the benefit of those, who thus for the first time, have a reserved capital, a little hoard of wealth for the exigencies and necessities of life, and a foundation for future accumulations; and to this is added a more precious treasure, in habits of economy and strength of independence, which might not otherwise be acquired.

In theory and ordinarily in fact, the savings banks of our State are managed by a few paid officers, who are reasonably compensated for their time and talents, under the minute direction as to investments, and under the frequent inspection of the most able and most trusted men of business in the community, who devote their labor to this work, without pay. The demand for this labor of love is commonly met with readiness and faithfulness. But since the service is voluntary, it is possible that, at times, faithfulness may grow weary and private interests may withdraw attention from duties, which have no visible reward. From this consideration, and the inability of depositors, as a class, to protect their own interests, it is fit that the Legislature should take notice of any facts in the annual returns, which indicate whether these institutions have been conducted according to law. And such an examination is especially important, while the Commonwealth shall venture to dispense with the wholesome, but, not always acceptable visitations of Bank Commissioners.

The irregularity of certain returns, pointed out by the Secretary of the Commonwealth, deserves remark. One return was not made until four days after it became due, and four others are not verified as the law requires. The approved legal forms of business are not idle ceremonies, and the neglect of attention and accuracy, wherever observed, is dangerous and suspicious.

It is worthy of notice, that the average is \$168 67 for each depositor, which shows that the large amount of nearly ten million of dollars is made up chiefly of the collections of the savings of those, for whom these institutions were designed.

The aggregate annual expense is stated to be \$27,017 38, which gives 27 cents and 5 mills for the receipt, often in very small sums, and for the investment and care of each hundred dollars for the year. A small payment for a large amount of the most valuable labor of the country.

The enactments of the statutes concerning investments are merely directory, they hold out no forfeiture and no penalty; yet they present a well considered system, to which the managers of these institutions are under moral obligation to con-

form, and the Legislature will be authorized and disposed to consider the wilful disregard of these enactments, as a just cause for the repeal of a charter. And another reason, not less cogent, for conformity to the directions of the statutes, results from the consideration, that depositors entrust their money to these institutions, with the expectation and on the implied engagement, that investments shall be made under the system established by law. If it can be made to appear, that it is necessary or expedient to enlarge or change the system, the sanction of the Legislature will not be refused.

Though your Committee suggest no doubt that these institutions have been conducted with safety and reasonable profit in the last year, the annual returns exhibit instances of disregard of the provisions of the laws, which it is the duty of this Committee particularly to notice. And such a notice, sustained by sound reason and public sentiment, is deemed to be sufficient to lead back the feet of the erring to the narrow path of the law.

The statute of 1841, chap. 44, permits savings banks to make loans on pledge of rail-road stocks, with very cautious restrictions; but no law permits investments in rail-road stock. Yet it has strangely happened, that since 1841, the forms of returns furnished to savings banks by the Secretaries of the Commonwealth, have always contained a column for investments in rail-road stocks, and no column for loans on pledge of such stock. And several savings banks have returned the fact that they have made investments in rail-road stock, and also state in explanatory notes, the amount of stock held in pledge. The omission of the law to sanction these investments was deliberately intended, and is deemed wise by your Committee, and it is their opinion that the existing investments in rail-road stock, inadvertently made, should be changed, as soon as may be, for more stable investments.

The form of annual returns now required, does not show whether the rail-road stocks held in pledge, are such as the law allows, nor does it enable any one to judge of the wisdom of investments in public funds, and bank stocks, and of loans on pledge of the same. To supply this defect, a change in the

form of the annual returns is proposed in the accompanying Bill, which will make them similar, in regard to investments, to the returns now required from insurance offices. And it is surely as important to exhibit clearly and fully the investments, which affect the interests of these depositors, as those investments which concern the able and powerful class who do business with insurance companies.

Two of the savings banks have returned in the column of loans to counties and towns, certain amounts loaned to school districts. When school districts have geographical bounds, and are fixed by incorporation, they are safe borrowers of money, for they offer the same kind of security as a town. But if the districts are mere temporary arrangements, defined sometimes by geographical limits, sometimes by the names of families, and liable to be changed every year with the shifting population, the district may be annihilated and the creditor will not know where to look for his money. It is sufficient to say that the law does not authorize such loans.

One savings bank has returned, in the column of "loans to counties and towns," an amount loaned to corporations, and another savings bank has returned, in the column of "amount secured by bank stock," an amount "secured by pledge of incorporated manufacturing stock." These loans are unauthorized, and they belong to an unsafe class, yet it is admitted that safe and desirable loans may occur in this class.

The Revised Statutes provide, that not more than three fourths of the deposits of a savings bank shall be loaned on mortgages, and the reason of this limitation is found in the advantage of having a due proportion of the funds in a convertible form, so that they may be readily furnished to the exigencies of depositors. From the returns it appears, that in loans on mortgage the Dedham Savings Bank has an excess of \$12,816 99, the Roxbury Savings Bank has an excess of \$3634 80.

The apparent excess of the Roxbury amount is explained by the fact, that real estate taken for debt is included therein; and it is possible that the Dedham Savings Bank may have as good a justification. The failure of an expected payment of a

mortgage, while a new loan was made in anticipation to supply its place, may, on the day of the return, give the appearance of excess which is but temporary.

The Revised Statutes also limit the amount of loans on personal security, to one half of the amount of deposits, and it is evidently the purpose of this provision, to restrain savings banks from the business of ordinary banks of discount, with all the risk with which it is attended. Your Committee is bound to take notice that the amount of loans on personal security exceeds the legal limit—

In Fairhaven Savings Bank, by	.	\$4152 53
In Fall River Savings Bank, by	.	20,471 44
In New Bedford Savings Bank, by	.	3644 67
In Barnstable Savings Bank, by	.	26,845 00

After much consideration, your Committee cannot doubt, that savings banks have power to hold real estate, purchased for accommodations for business and taken for debt, though the statutes do not expressly give this power. This omission of the statutes discountenances investments in real estate, which are unsafe and unsuited to the purposes of these institutions, and prudent managers will take the earliest opportunity to sell any real estate which may fall into their hands. Several savings banks have returned real estate in the column of "loans on mortgage," with explanatory notes, for want of a more appropriate place. A column for real estate will be found in the Bill now proposed.

The form of returns prescribed by the Revised Statutes, has a column for "total dividends for the year," which may or may not include the ordinary and extra dividend, and it may have been paid on an amount of deposits, larger or smaller than that found at the period of the return. Thus the column falls entirely short of its object, which was to enable depositors and the public to judge, whether each savings bank yielded a fair interest to its customers. To accomplish this object, a column is proposed for the rate and amount of the ordinary



dividend for the last year, and another column for the average annual per cent. of dividends, for the last five years.

To remedy the defects pointed out in the returns now required from savings banks, your Committee respectfully recommend the passage of the accompanying Bill.

By order of the Committee.

STEPHEN SALISBURY, *Chairman.*

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Six.

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### AN ACT

Concerning Annual Returns of Savings Banks and Institutions for Savings.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

- 1   SECT. 1. The Treasurer of every Savings Bank  
2 and Institution for Savings, shall, as often as once in  
3 every year, make return of the state thereof, as it  
4 was at two o'clock in the afternoon of the last Satur-  
5 day of some preceding month, to be designated by  
6 the Governor, which return shall be made to the  
7 Secretary of the Commonwealth, within fifteen days  
8 after an order to that effect ; and said return shall  
9 specify the following particulars, namely :—
- 10   Place where located ;  
11   Name of Corporation ;

- 12 Number of Depositors ;
- 13 Amount of Deposits ;
- 14 Public Funds, stating amount of each ;
- 15 Loans on Public Funds, stating amount on each ;
- 16 Invested in Bank Stock, stating amount on each ;
- 17 Loans on Bank Stock, stating amount on each ;
- 18 Deposits in Banks bearing interest, stating amount
- 19 in each ;
- 20 Loans on Rail-road Stock, stating amount on each ;
- 21 Invested in Real Estate ;
- 22 Loans on Mortgage of Real Estate ;
- 23 Loans to County or Town ;
- 24 Loans on Personal Security ;
- 25 Cash on hand ;
- 26 Rate and Amount of ordinary dividend for last
- 27 year ;
- 28 Average annual per cent. of dividends of last five
- 29 years ;
- 30 Annual Expenses of the Institution ;
- 31 All of which shall be certified and sworn to by the
- 32 Treasurer, and five or more of the Trustees or Man-
- 33 agers of the Corporation, shall also certify and make
- 34 oath, that the said return is correct, according to
- 35 their best knowledge and belief.

1   SECT. 2. Blank forms of such returns shall be  
2 furnished to every such corporation by the Secretary  
3 of the Commonwealth ; and he shall prepare suitable  
4 yearly abstracts thereof, and lay the same before  
5 the Legislature.

1   SECT. 3. The eighty-second and eighty-third sec-  
2 tions of the thirty-sixth chapter of the Revised Stat-  
3 utes are repealed.

## SENATE.....No. 37.

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### **Commonwealth of Massachusetts.**

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IN SENATE, January 29th, 1846.

*Ordered*, That the Committee on the Judiciary be instructed to inquire into the expediency of making further provision by law for regulating the voting in, and control of, Corporations, where one or more Corporations have, or shall become possessed of and hold stock therein; that they further inquire and report, what Corporations, or classes of Corporations, under existing laws, are authorized or have a right thus to hold stock; and that they also inquire and report, whether in Corporations, where ownership is made a necessary qualification for a director, any but a person holding stock in his own name is eligible to such office.

CHAS. CALHOUN, *Clerk*.

## **Commonwealth of Massachusetts.**

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IN SENATE, Feb. 21, 1846.

The Committee on the Judiciary, who were instructed to inquire—1, into the expediency of making further provision by law for regulating the voting in, and control of, Corporations when one or more Corporations have, or shall become possessed of, and hold stocks therein. 2. To inquire and report what Corporations, or classes of Corporations, under existing laws, are authorized, or have a right, thus to hold stock. 3. To inquire and report whether, in Corporations where ownership is made a necessary qualification for a director, any but a person holding stock in his own name, is eligible to such office, have attended to these duties, and ask leave to submit the following

### **R E P O R T :**

1. In regard to the first subject of inquiry, the Committee are of opinion that there is no need of making further provision by law for regulating the right to vote. They have taken some pains in order to satisfy themselves—but they do not learn that, in regard to this matter, there exists any practical difficulty. In the opinion of the Committee, a Corporation holding stock in another Corporation, may, by vote of directors or otherwise, authorize any person to represent them at meetings of the last mentioned Corporation; and the Corporation so represented, may have and enjoy all those rights of voting, which any individual stockholder would have at such meetings.

2. As to those Corporations, or classes of Corporations, which

may hold stock in other Corporations, the Committee are of opinion, that where a Corporation is created with a right to hold personal property, it may invest to the amount named in its charter in the stock of any other Corporation, provided there be no restriction in the said charter, or by any general law as to the mode of investment; and provided further, that such investment be not foreign to the purposes for which such Corporation was created.

3. In regard to the third branch of inquiry, the Committee are of opinion, that, in Corporations where ownership is made a qualification for a director, "stockholders" are thus eligible; and while the matter is not free from doubt, whether this word *stockholders* can be extended so as to include trustees and persons holding stock, other than in their own right, the Committee are, nevertheless, of opinion, that it may be so done, and that such persons are thus eligible.

The Committee ask to be discharged from the further consideration of these subjects.

For the Committee.

FRANCIS O. WATTS.



# SENATE.....No. 38.

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## Commonwealth of Massachusetts.

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IN SENATE, February 24, 1846.

The Joint Committee on Railways and Canals, to which was committed the petition of Dennis Condry and others, praying for leave to construct a rail-road from Newburyport to Georgetown, report the accompanying Bill.

THOS. HOPKINSON, *Chairman.*



**Commonwealth of Massachusetts.**

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In the year One Thousand Eight Hundred and Forty-Six.

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**AN ACT**

To establish the Newburyport Rail-road Company.

**BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1    SECT. 1. Dennis Condry, John Huse, Enoch S.  
2 Williams, John Wood and Edward S. Mosely, their  
3 associates and successors, are hereby made a corpo-  
4 ration, by the name of the Newburyport Rail-road  
5 Company, with all the powers and privileges, and  
6 subject to all the duties, restrictions, and liabilities,  
7 set forth in the forty-fourth chapter of the Revised  
8 Statutes, and in that part of the thirty-ninth chapter  
9 of said statutes relating to rail-road corporations,  
10 and in the several statutes, subsequently passed, re-  
11 lating to such corporations.

1   SECT. 2. The said corporation is hereby author-  
2 ized and empowered to locate, construct, and fully  
3 complete, a rail-road, with one or more tracks from  
4 Newburyport to, or near Georgetown Corner so  
5 called, in said Georgetown, upon or near the follow-  
6 ing route, viz : beginning at some convenient point,  
7 between the Newburyport turnpike and the present  
8 Eastern Rail-road Depot, in or near said Newbury-  
9 port, thence southwesterly over or near Common  
10 Pasture, so called, to a point near the head of the  
11 Downfall Road, so called, in Newbury, thence con-  
12 tinuing a southwesterly course, and crossing Parker  
13 River, near Pearson's Mills in Byfield, thence north  
14 of the Georgetown road, and passing near Dole's  
15 Mills in Georgetown, at or near a point of land of  
16 Daniel Pusey about one fourth of a mile northeast  
17 of Savery's Hotel in said Georgetown.

1   SECT. 3. The capital stock of said rail-road com-  
2 pany shall consist of not more than two thousand  
3 shares, the number of which shall be determined,  
4 from time to time, by the directors, and no assess-  
5 ment shall be laid thereon of a greater amount, in  
6 the whole, than one hundred dollars on each share ;  
7 and the said corporation may purchase and hold such  
8 real estate, materials, cars, engines and other things  
9 as may be necessary for depots for the use of said  
10 road, and for the transportation of persons, goods,  
11 and merchandise, and may also construct a mer-  
12 chandise depot at some convenient site at or near  
13 the water in or near the town of Newburyport.

1   SECT. 4. If said corporation be not organized,

4      **NEWBURYPORT RAIL-ROAD COMPANY.** [Feb.

2 and the location of said road be not filed according  
3 to law, or if the said company shall not complete  
4 their said road on or before the first day of Septem-  
5 ber, in the year eighteen hundred and forty-nine,  
6 this act shall be void.

1      **SECT. 5.** The Legislature may authorize any  
2 company to enter with another rail-road at any point  
3 of said Newburyport Rail-road, and use the same or  
4 any part thereof, paying therefor such a rate of toll  
5 or compensation, as the Legislature may, from time  
6 to time, prescribe, or that may be fixed under the  
7 provisions of any general law of this Commonwealth,  
8 complying with such rules and regulations as may  
9 be established by said Newburyport Rail-road Com-  
10 pany ; *provided, however,* that no other corporation  
11 shall enter upon said Newburyport Rail-road with  
12 any motive power, unless the said Newburyport  
13 Rail-road Company shall refuse to draw over their  
14 road, or any part thereof, the cars of any other rail-  
15 road corporation, which may be authorized to enter  
16 with their rail-road upon the said Newburyport Rail-  
17 road.

1      **SECT. 6.** The Legislature may, after the expira-  
2 tion of four years from the time when the said road  
3 shall be opened for public use, from time to time,  
4 alter or reduce the tolls or other profits upon said  
5 road ; but the said tolls shall not, without the con-  
6 sent of said corporation, be so reduced as to produce  
7 less than ten per centum per annum.

1      **SECT. 7.** The said Newburyport Rail-road Com-

2 pany and the Georgetown Branch Rail-road Com-  
3 pany are hereby authorized and empowered to unite  
4 and form one company whenever it shall be so voted  
5 by each company, at meetings thereof duly notified  
6 for that purpose ; and when the said companies shall  
7 be so united, the stockholders of one company shall  
8 become the stockholders in the other, and the two  
9 companies shall constitute one corporation, under the  
10 name of the Newburyport Rail-road Company ; and  
11 the said last mentioned company shall have all the  
12 franchises, property, powers and privileges, and be  
13 subject to all the restrictions and liabilities of said  
14 companies, respectively. *Provided, however,* that the  
15 time for filing the location and completing of the  
16 said Georgetown Branch Rail-road is hereby ex-  
17 tended to the first day of September, in the year  
18 eighteen hundred and forty-nine.







# SENATE.....No. 39.

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## Commonwealth of Massachusetts.

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IN SENATE, February , 1846.

The Committee on Public Lands, to whom was referred the Annual Report of the Land Agent, communicated by the Governor, have considered that part of it which relates to Fort Kent, in the State of Maine, and submit the following

### REPORT:

During the past summer, the forts on the northeastern frontier of the United States were evacuated. It is to be regretted, that, to provide for the defence of Texas, it was thought necessary not only to withdraw the garrison from the fort at Houlton, but also to abandon Fort Kent. This last measure is likely to be followed by unhappy consequences. While that post was occupied by a company of soldiers, the frontier was, for the most part, free from every species of disorder. The presence of a few troops ensured adequate protection to life and to property. But now there is no security for either. There is reason to believe that in the absence of all military force, attacks upon the settlers, and depredations upon the property of this Commonwealth, will be more frequent than they have been, and more generally attended with success. It is natural to expect that the country will be a scene of rude commotion. Even during the last winter, there arose heated contentions, which were succeeded by open, personal violence; and in the



opinion of men personally acquainted with the condition of affairs at that time, if there had been no garrison at Fort Kent, murder would have followed in the train of riot and rapine.

The greater part of the French settlement at Madawasca, containing a population of more than 2000, is now, by the Treaty of Washington, within the limits of the United States, and ought to be protected by its government. These primitive people, who are distinguished for the simplicity of their manners and the purity of their lives, are chiefly descendants of the Acadian French, who, nearly a century ago, were expelled from their native land by the barbarity of our ancestors. They are a simple, inoffensive race, ignorant of our language, habits and institutions; indisposed to injure others, and incapable of defending themselves. They are now at the mercy of ruffians, who insult, plunder and oppress them with impunity.

The conduct of our own people on the border is said to be less exceptionable than that of the English. Most of them are represented as cultivating habits of sobriety as well as industry, and accustomed to respect the rights of others while they maintain their own; but, from their proximity to New Brunswick, they are liable to be brought into constant collision with the inhabitants of that province. The provincials from the Miramichi and St. John Rivers, who repair to Fish River for the purpose of procuring lumber, especially require military restraint. These men avail themselves of every opportunity to create and inflame difficulties upon the frontier, and derive a malignant satisfaction from the success of their detestable schemes. But turbulent and rapacious as they are, a small military force is sufficient to control them; and to produce this effect, its direct interposition is for the most part unnecessary. Experience has shown that the simple fact of there being a garrison at Fort Kent, in general operates as an effectual restraint upon the fury of the people on either side of the border.

It appears that when that fort shall no longer be maintained as a place of defence, the land on which it stands will revert to this Commonwealth and Maine, with all the improvements, &c. But it is hoped that government will see the necessity of resuming, without delay, possession of that important post.

Massachusetts is proprietor, in that quarter, of large tracts of land, on which grows some of the finest timber any where to be found, and in consequence her citizens have a separate, personal interest in whatsoever measures shall tend to preserve the lives of the settlers and the property of the State.

The Committee recommend the passage of the accompanying resolves.

For the Committee,

EDM. KIMBALL, JR., *Chairman.*

## **Commonwealth of Massachusetts.**

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In the Year One Thousand Eight Hundred and Forty-Six.

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### **RESOLVES**

Relating to Fort Kent, on Fish River, in the State of Maine.

*Resolved*, That the unsettled state of the northeastern frontier of the United States, requires, that the protection heretofore insured to the settlers, and to the property of this Commonwealth in that quarter, by the presence of a military force, should be continued.

*Resolved*, That the Governor be requested to transmit a copy of these resolves to the executive department of the United States, and also to solicit that a small body of troops may be again stationed at Fort Kent.

*Resolved*, That the Governor be requested to forward a copy of the foregoing resolutions to the Governor of the State of Maine.

## SENATE.....No. 40.

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### Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, Feb. 3, 1846.

*Ordered*, That Messrs. Page, of New Bedford, Byington, of Stockbridge, and Chandler, of Boston, with such as the Senate may join, be a committee to consider whether any additional joint rule should be adopted to regulate the interchange of papers between the two Houses.

Sent up for concurrence.

C. W. STOREY, *Clerk*.

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IN SENATE, Feb. 4, 1846.

Concurred; and Messrs. Gray and Kimball are joined.

CHAS. CALHOUN, *Clerk*.

## **Commonwealth of Massachusetts.**

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FEB. 21, 1846.

The Joint Special Committee, who, by an order of Feb. 3, were instructed to consider whether any additional joint rule should be adopted, to regulate the interchange of papers between the two Houses, have considered the subject submitted to them, and

### **R E P O R T**

that it is expedient to adopt the following, as an addition to the second joint rule, viz:—

Any report from a Joint Committee may be recommitted by a vote of either branch, unless the same shall have been previously acted upon in the other branch, or unless such report shall be recommitted with instructions; in which cases, a concurrent vote shall be requisite.

All which is respectfully submitted.

For the Committee,

J. H. W. PAGE.

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HOUSE OF REPRESENTATIVES, Feb. 21, 1846.

Accepted.

Sent up for concurrence.

C. W. STOREY, *Clerk.*





## SENATE.....No. 41.

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### Commonwealth of Massachusetts.

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IN SENATE, Feb. 24, 1846.

The Joint Committee on Parishes and Religious Societies, to which was committed the Petition of the General Convention of the Baptist Denomination in the United States for Foreign Missions, praying for an alteration in their act of incorporation, have considered the subject, and report the accompanying Bill.

GEO. WHEATLAND, *Chairman*.



## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Six.

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### AN ACT

To authorize "the General Convention of the Baptist Denomination in the United States for Foreign Missions and other important objects relating to the Redeemer's Kingdom, to take and use the name of the American Baptist Missionary Union," and to define more clearly the object, rights, and powers of the said corporation.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1 SECTION 1. The corporation incorporated in  
2 Pennsylvania, under the name of "the General Con-  
3 vention of the Baptist Denomination in the United  
4 States for Foreign Missions, and other important  
5 objects relating to the Redeemer's Kingdom," may  
6 hereafter take and use, and be called and known by  
7 the name of the American Baptist Missionary Union,

8 as well as its said original name of incorporation,  
9 and is hereby continued a body corporate, with all  
10 the powers and privileges, and subject to all the du-  
11 ties, liabilities and restrictions, set forth in the forty-  
12 fourth chapter of the Revised Statutes as far as ap-  
13 plicable.

1   SECT. 2. The single purpose and object of the  
2 said American Baptist Missionary Union, shall be to  
3 diffuse the knowledge of the religion of Jesus Christ  
4 by means of missions throughout the world.

1   SECT. 3. The Union shall meet annually on the  
2 third Thursday of May, or at such other time and  
3 at such place as it may appoint.

1   SECT. 4. Nothing herein contained shall render  
2 invalid any gifts, grants, devises, and legacies, which  
3 have been or hereafter may be made to the said cor-  
4 poration by the name of "the General Convention  
5 of the Baptist Denomination in the United States for  
6 Foreign Missions, and other important objects relat-  
7 ing to the Redeemer's Kingdom," or any other name,  
8 but the same shall enure to, and be held to be made  
9 to, and belong to the said corporation, notwithstand-  
10 ing the authority hereby given it to use the name of  
11 the American Baptist Missionary Union.

1   SECT. 5. The said corporation may, for the pur-  
2 pose and object aforesaid, hold real estate not ex-  
3 ceeding in amount fifty thousand dollars, and per-  
4 sonal estate not exceeding in amount one hundred  
5 thousand dollars.



## SENATE.....No. 42.

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### **Commonwealth of Massachusetts.**

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IN SENATE, Feb. 25, 1846.

The Joint Committee on Public Charitable Institutions, to which was committed the Petition of Catherine Kelton and others, praying for an act of incorporation, to enable them to effect the reform of dissolute women by giving them aid, counsel and shelter, report the accompanying Bill.

JOS. STONE, *Chairman.*

**Commonwealth of Massachusetts.**

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In the Year One Thousand Eight Hundred and Forty-Six.

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**AN ACT**

To incorporate the New England Female Moral Reform Society.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1    SECT. 1. Catherine Kelton, Rebecca Eaton, Mary  
2 R. Clough, and Hannah B. Emerson, their associates  
3 and successors, are hereby incorporated and made a  
4 body politic, by the name of "The New England  
5 Female Moral Reform Society," for the reform of dis-  
6 solute women, and aiding them to obtain suitable hon-  
7 est employment ; and, for these purposes, shall have  
8 all the powers and privileges, and be subject to all the  
9 duties and liabilities, set forth in the forty-fourth chap-  
10 ter of the Revised Statutes.

1     SECT. 2.   The said corporation may take and hold  
2 real estate, not exceeding the value of forty thousand  
3 dollars, and personal estate not exceeding the value of  
4 ten thousand dollars, for the aforesaid charitable pur-  
5 poses.



## SENATE.....No. 43.

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### **Commonwealth of Massachusetts.**

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IN SENATE, Feb. 25, 1846.

The Joint Committee on Fisheries, to which was committed the Petition of the Selectmen of the town of Weymouth, praying that the town sell to the Weymouth Iron Company, the right of said town to take alewives within its limits, report the accompanying Bill.

WELCOME YOUNG, *Chairman.*



## **Commonwealth of Massachusetts.**

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In the Year One Thousand Eight Hundred and Forty-Six.

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### **AN ACT**

To authorize the Town of Weymouth to sell its privilege of taking alewives within the limits of said town, to the Weymouth Iron Company, and to confirm the transfer thereof to said company.

*Whereas*, by an act passed on the seventh day of March, in the year of our Lord eighteen hundred and one, entitled, "An Act for Regulating the taking and disposing of the fish called Alewives, within the limits of the town of Weymouth, and for the more effectually securing to said town the advantages thereof," the exclusive privilege, as set forth in said act, of taking alewives within the limits of said town, in Great Pond, Whitman's Pond, and Back River, and the rivers, brooks and streams, leading to or from said ponds, or by which said fish pass to and from said ponds, was secured to said town, that the net income arising therefrom should be appropriated to the use of schooling in the said town; and said town has voted to dispose of said privilege and

also their fish-house and land adjoining thereto, to the Weymouth Iron Company, for a sum of money to be paid therefor, the interest and income thereof to be appropriated in the like manner, and said town and said company have petitioned that such transfer be authorized and established by law :—

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1 SECTION 1. From and after the time of this act  
2 going into effect, the Weymouth Iron Company shall  
3 have and enjoy all the rights and privileges, in res-  
4 pect to the taking of alewives within the limits of  
5 the town of Weymouth, now belonging to said town ;  
6 and any committee, and any member or members of  
7 said committee, that shall be appointed from time to  
8 time by said company, or by the directors thereof to  
9 regulate, superintend, or have charge of, or the care  
10 and management of the taking and disposing of said  
11 fish, shall dispose of the same for the benefit of said  
12 company and account with said company for the pro-  
13 ceeds thereof; and such committee, or either of  
14 them, shall have power and authority to remove  
15 from or out of Back River, in said town, and the  
16 brooks and streams leading to Great Pond and Whit-  
17 man's Pond, in said town, any obstructions that may  
18 be made to the free passage of said fish into said  
19 ponds or repassing from them into the sea ; and said  
20 committee's going, or either of them, into the land  
21 of any person or persons, for this purpose, shall not  
22 be deemed or held as a trespass ; and the said com-

23 mittee, or a major part of them, (if more than one,) 24 shall determine the particular place, or places, where 25 the said fish shall be taken, and give public notice 26 thereof, by posting up one or more notifications in 27 some conspicuous place, or places, in said town, on 28 or before the first day of May annually.

1   SECT. 2. No person shall catch or take any of  
2 said fish in any of the rivers, brooks or streams,  
3 canals or water channels, leading to or from the said  
4 ponds, without the direction or leave of said com-  
5 mittee, or a major part of them, and whosoever shall  
6 take, kill, or haul on shore any of said fish, with a  
7 seine, scoop net, or drag net, in either of the ponds  
8 aforementioned, or in Weymouth Back River, or in  
9 in the river, brooks, streams, canals or channels,  
10 through which the said fish pass into said ponds, or  
11 shall, with any seine, scoop net, or drag net, or in  
12 any other way obstruct the passage of said fish, to  
13 or from said ponds, or either of them, or shall ob-  
14 struct said committee, or either of them, in the exe-  
15 cution of their duty, shall, for each such offence,  
16 forfeit and pay a sum not exceeding thirteen dollars,  
17 nor less than ten dollars; and, in case the offence  
18 be committed in the night, a sum not exceeding  
19 thirty dollars, nor less than twenty dollars, to be  
20 prosecuted or sued for, and recovered in any court  
21 proper to try the same in an action on the case, or  
22 other proper form of action in the name of said  
23 Weymouth Iron Company, or the name, or names of  
24 such committee, for the benefit of said company;  
25 saving where any person shall give information of  
26 any breach of this act, he shall, upon conviction of

27 the offender, be entitled to one third part of the for-  
28 feiture recovered, and no person shall be considered  
29 as disqualified from being a witness, on any trial that  
30 may be had pursuant to this act, on account of his  
31 being an inhabitant of said town, or of his being a  
32 member of said committee.

1   SECT. 3. Each householder in said town of Wey-  
2 mouth shall, on his making seasonable application  
3 for that purpose to said committee, or any member  
4 thereof, or to the person employed by said commit-  
5 tee to superintend, regulate and manage the taking  
6 of said fish at the place, or any of the places, for  
7 taking the same, have the right to purchase four hun-  
8 dred fresh alewives for his own consumption, of those  
9 which shall be taken each year, under authority of  
10 said committee, at the price of twenty-five cents per  
11 hundred, before said alewives shall be cured or oth-  
12 erwise disposed of; *provided* the person so applying  
13 shall be ready seasonably to pay for and remove said  
14 quantity; and in case any such inhabitant so apply-  
15 ing, and being so ready to pay for and remove such  
16 quantity of said fresh fish, shall not be supplied there-  
17 with, as far as the quantity taken under authority of  
18 said committee, shall suffice for the purpose, said  
19 company shall forfeit to him the sum of five dollars,  
20 to be sued for and recovered by him in his own name,  
21 in an action of debt, or on the case, or other proper  
22 action, or proceeding against said corporation, or  
23 against said committee, or any member thereof, in  
24 any court proper to try the same.

1   SECT. 4. The agreement heretofore entered into

2 between the proprietors of the falls and water priv-  
3 ileges, on Alewife River, otherwise called Back  
4 River, and the town of Weymouth, as recited in the  
5 preamble of the special Act of 1825, chapter forty-  
6 eight, entitled an Act in addition to "an Act for  
7 regulating and disposing of the fish called alewives,  
8 within the limits of the town of Weymouth, and for  
9 the more effectually securing to said town the advan-  
10 tages thereof," shall still be, and remain in force, as  
11 also said additional Act, the foregoing provisions of  
12 this Act notwithstanding, excepting that in respect  
13 to the provisions of said additional Act, the said  
14 Weymouth Iron Company shall be substituted in the  
15 place of the town of Weymouth, as a party to the  
16 terms of said agreement, and the provisions of said  
17 additional Act; and any committee appointed by  
18 said company, from time to time, in pursuance of the  
19 provisions of the first section of this Act, shall be  
20 substituted in the place of, and have the rights,  
21 powers and duties of, and be subject to the provi-  
22 sions of said additional Act, relating to the fish com-  
23 mittee of said town.

1 SECT. 5. The purchase money for said privilege,  
2 paid to said town of Weymouth, in pursuance of this  
3 Act, shall be kept as a fund, to be managed and in-  
4 vested by the treasurer of said town of Weymouth,  
5 or by any person or committee appointed or author-  
6 ized by said town, for the purpose, and the same  
7 shall be loaned only on security of real estate, ex-  
8 cept to said town—and the annual interest and in-  
9 come of said fund shall be annually expended for  
10 the support of schools in said town, to be divided in

11 the same manner as other monies raised for the sup-  
12 port of schools.

1     SECT. 6. This Act shall go into effect on said  
2 town of Weymouth, causing to be conveyed to said  
3 company, the fish house for said fishery, and the land  
4 under the same and adjoining thereto, belonging to  
5 said town, and the said company paying to the se-  
6 lectmen of said town, or either of them, a sum of  
7 money, the annual interest of which, at the rate of  
8 six per cent. per annum, is, or shall be, assented and  
9 agreed to by said selectmen, as sufficient to yield an  
10 annual interest equal to the net annual income of  
11 said fishery for the last thirty years.



## SENATE....No. 44.

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### Commonwealth of Massachusetts.

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IN SENATE, Feb. 13th, 1846.

*Ordered,* That the Committee on the Judiciary be instructed to inquire into the expediency of additional legislation in regard to Corporations, making it necessary for them to pay in a certain amount of their capital stock before they are allowed to go into operation.

CHAS. CALHOUN, *Clerk.*



## **Commonwealth of Massachusetts.**

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SENATE, Feb. 25, 1846.

The Committee on the Judiciary, to whom was referred an order to inquire into the expediency of additional legislation in regard to Corporations, making it necessary for them to pay in a certain amount of their capital stock before they are allowed to go into operation, have considered the same and

### **R E P O R T :**

That, in their judgment, such legislation would be inexpedient. But as they believe that the provisions of law respecting the right now possessed by Corporations, established for manufacturing purposes, of fixing and limiting their capital stock, are imperfect and insufficient, they recommend the passage of the accompanying Bill.

For the Committee,

T. D. ELIOT.

**Commonwealth of Massachusetts.**

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In the year One Thousand Eight Hundred and Forty-Six.

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**AN ACT**

Concerning Manufacturing Corporations.

**BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

1 The amount of the capital stock of every Corpora-  
2 tion, that may hereafter be established within this  
3 State, for the purpose of carrying on any kind of  
4 manufacture, to be fixed and limited by the company,  
5 at its first meeting, according to the provisions of the  
6 ninth section of the thirty-eighth chapter of the Re-  
7 vised Statutes, shall not be less than sixty per cent.  
8 upon the whole amount of its capital stock authorized  
9 by law.



## SENATE.....No. 45.

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### MESSAGE.

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*To the House of Representatives :*

I transmit herewith to the Honorable House, for the information and use of the Legislature, certain papers purporting to be Resolves of the State of Georgia, in relation to recent action of the government of this Commonwealth.

GEO. N. BRIGGS.

COUNCIL CHAMBER, Jan. 30th, 1846.

**Commonwealth of Massachusetts.**

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HOUSE OF REPRESENTATIVES, Feb. 24, 1846.

*Ordered*, That the Joint Special Committee, to which were referred the Resolutions of the State of Georgia, on the subject of an amendment of the ~~Constitution~~ of the United States, be instructed to cause the same to be printed for the use of both branches.

**Sent up for concurrence.**

**G. W. STOREY, Clerk.**

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SENATE, Feb. 25, 1846.

**Concurred.**

**CHAS. CALHOUN, Clerk.**

## THE STATE OF GEORGIA.

## IN SENATE.

The Committee on the State of the Republic, to whom were referred certain Legislative Resolves of the State of Massachusetts, proposing an alteration in the Constitution of the United States, so as to apportion Representatives in Congress and direct taxes among the several States, in proportion to their respective numbers of free persons, exclusive of Indians not taxed, beg leave to offer the following Report:

Whilst your Committee dissent from the proposition to alter the Federal Constitution, as proposed by the Legislature of Massachusetts, they would express their regret that the citizens of that State have ventured, by legislative action, to adopt a series of resolutions so much at variance with the compromises of the Constitution of the United States, and so materially destructive of the interests and happiness of the Southern portion of our Confederacy; and such resolves are, in the opinion of this Legislature, but the sickly effusions of a blind fanaticism, founded in an ignorance of the character of Southern institutions, and a total disregard for the integrity of the Union.

1st. *Therefore, be it Resolved by the Senate and House of Representatives of the State of Georgia, That the Constitution of the United States is the foundation upon which rests the union of these States, and the Federal basis of Representation secured in that instrument was the result of concessions and compromises among the members of the Convention that framed it; and any attempt to alter the basis of Representation, as proposed, in the Constitution, would be a gross violation of the faith which was pledged upon its adoption.*

2nd. *And be it further Resolved*, That the Legislature of Massachusetts, by the recent action had upon this subject, has, in an organized form, placed herself, in the opinion of this Legislature, in an attitude well calculated to disturb the compromises of the Constitution, and to encourage the fanatical crusade against the rights of their Southern brethren, and well adapted to create serious apprehensions as to the perpetuity of the Union.

3rd. *And be it further Resolved*, That His Excellency the Governor be requested to transmit a copy of the above Preamble and Resolutions to each of our Senators and Representatives in Congress, and to the Executive of the United States, and to each of the Governors of the several States.

Agreed to, December 4th, 1845.

ABSALOM H. CHAPPELL,  
*President of the Senate.*

Test: THOS. R. R. COBB, *Secretary of the Senate.*

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IN HOUSE OF REPRESENTATIVES.

Concurred in, December 23d, 1845.

CHARLES J. JENKINS,  
*Speaker of the House of Representatives.*

Test: JOHN J. WORD, *Clerk of the House of Representatives.*

Assented to, December 29th, 1845.

GEO. W. CRAWFORD, *Governor.*

## THE STATE OF GEORGIA.

## IN SENATE.

THE attention of the Committee on the State of the Republic has been particularly directed to the Memorial or Declaration of the General Assembly of the Commonwealth of Massachusetts, in relation to the difficulties which have originated between the authorities of that State and those of South Carolina and Louisiana, and while they regret the occasion which so imperiously calls upon Georgia, as one of the sister states, deeply and gravely interested in the results, to avow her solemn convictions of the merits of the controversy, they nevertheless feel it to be their bounden duty to speak out freely and frankly upon this, as upon all other questions, involving a mutual feeling and reciprocity of interest among the sister states of this Union.

And although we do not feel warranted, nor deem it necessary at the present, to enter upon an elaborate argument of the questions at issue between the authorities of the Commonwealth of Massachusetts and the States aggrieved, we however feel bound now to declare our most perfect concurrence in, and adherence to, a precept of government upon which South Carolina and Louisiana have predicated their defence and justification, and involving the principles which we are pleased to see that Massachusetts herself, by her proper authorities, in her memorial, sanctions, to wit: that "if there be any force in the concurring sentiments of all authorities upon the nature and end of Government, there is no principle more clear than this—that it is the indispensable duty of a State to do every thing within its power that may protect its members against wrong."



This principle, we most willingly and unreservedly adopt, as the rule of our action, and upon this are willing to take issue in common with our sister States against the course adopted by the authorities of the Commonwealth of Massachusetts. The question whether *free negroes* should be considered in the light of citizens or not, is one that the Constitution fixes, and the States may determine for themselves—one, too, which the State authorities long since have determined. It is enough, however, to advert to the fact, that the States of South Carolina and Louisiana, in the exercise of their sovereign rights, have determined and published to the world long since, that they did not regard them as citizens, of which the authorities of Massachusetts could not have been ignorant at the time of her aggressions. The people of South Carolina, Louisiana, Georgia, as well as all the States, claim the right of thinking for themselves. And with due regard for the opinions of mankind, in the highest respect, for “the comity acknowledged by all civilized communities, as the rule of conduct toward one another,” we ask, what else could South Carolina and Louisiana have been expected to do under the circumstances? And how else could they have discharged the high obligations which they owed to their offended citizens, when their peace and safety were almost daily endangered by the machinations of unscrupulous emissaries, operating secretly, though actively, under the pretence and guise of business occupations? Could South Carolina and Louisiana, and should Georgia, remain unmindful of the high and paramount obligation of self-protection, when the peace, harmony, and lives of their citizens are menaced? And have not the States the right to adopt, within the pale of the Federal Constitution, such means of prevention and defence as they, in their wisdom, may deem necessary and proper? If they have not, then have we entered the solemn compact in vain—and vain our appeal to that hallowed instrument, or the laws of nations, for redress.

We, the people of the slaveholding States, claim nothing but what we believe to be essential, vitally necessary for the protection of our peace, property and lives—nothing but what we conscientiously believe is guarantied to us by the compromises

of the Federal Constitution—and nothing, the acquiescence in which can be derogatory to the welfare, or tarnish the dignity or honor of any sister State of the Confederacy.

The people of the State of Georgia cherish a deep and unabated devotion to the Union of the States, and the inestimable blessings of our happy institutions; and for the perpetuity of the peace and harmony which they so anxiously desire to promote, they pledge to their sister States and to the world, their solemn faith, that they will, for the future, as they have heretofore done, conform to the principle which exacts nothing but what is strictly right, nor submits to any thing that is evidently wrong.

*Be it therefore Resolved*, That the course pursued by the States of South Carolina and Louisiana, in the recent instances in which the Commonwealth of Massachusetts had manifested a disposition, by sending a special agent into those States, to interfere with their sovereign rights and constitutional domestic legislation, has met our most sincere commendation, and merits and will receive our most hearty coöperation, should a similar indignity be offered to the sovereignty and safety of our own, or any other sister State of the Union.

*And be it further Resolved*, That His Excellency the Governor, be requested to transmit copies of these Resolutions to our Senators and Representatives in Congress, and the Executives of the several States.

Agreed to, December 23d, 1845.

ABSALOM H. CHAPPELL,  
*President of the Senate.*

Attest: THOS. R. R. COBB, *Secretary of the Senate.*

IN HOUSE OF REPRESENTATIVES.

Read and concurred in, December 24th, 1845.

CHARLES J. JENKINS,

*Speaker of the House of Representatives.*

Attest: JOHN J. WORD, *Clerk of the House of Representatives.*

Assented to, December 29th, 1845.

GEO. W. CRAWFORD, *Governor.*

## SENATE....No. 46.

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### Commonwealth of Massachusetts.

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IN SENATE, Feb. 12th, 1846.

*Ordered*, That the Committee on Manufactures be directed to inquire into the expediency of extending the provisions of the statute of 1845, ch. 197, so as to include furnaces for the manufacture of glass.

Sent down for concurrence.

CHAS. CALHOUN, *Clerk*.

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HOUSE OF REPRESENTATIVES, Feb. 12 1846.

Concurred.

C. W. STOREY, *Clerk*.

## **Commonwealth of Massachusetts.**

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IN SENATE, Feb. 26, 1846.

The Joint Committee on Manufactures, to which was committed Senate Order of Feb. 12th, 1846, which order is as follows: "Ordered, that the Committee on Manufactures be directed to inquire into the expediency of extending the provisions of the statute of 1845, ch. 197, so as to include furnaces for the manufacture of glass," have considered the subject, and have directed the report of the accompanying Bill.

NATH. B. BORDEN, *Chairman.*

## Commonwealth of Massachusetts.

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In the year One Thousand Eight Hundred and Forty-Six.

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### AN ACT

Relating to the erection of Furnaces for the making of Glass.

**BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1   SECT. 1. No furnace, for the making of glass,  
2 shall be hereafter erected, or put up for use, in any  
3 city or town in this Commonwealth, unless a license  
4 therefor shall be first granted, in the manner provided  
5 in the first section of the one hundred and ninety-  
6 seventh chapter of the acts of the Legislature, passed  
7 in the year one thousand eight hundred and forty-five ;  
8 and such license shall be applied for, granted and re-  
9 corded in the manner provided in said act.

4            **FURNACES FOR MAKING GLASS. [Feb. '46.]**

1     **SECT. 2.** Any such furnace hereafter erected, with-  
2 out such license, shall be deemed, and taken to be a  
3 common nuisance, without any other proof than proof  
4 of its use, and may be abated and removed in the  
5 manner provided in the third section of said act.

1     **SECT. 3.** This act shall not be in force in any town  
2 or city, unless the same shall be adopted in the man-  
3 ner provided in the tenth section of the act aforesaid.

1     **SECT. 4.** This act shall be in force from and after  
2 its passage.

## SENATE.....No. 47.

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### Commonwealth of Massachusetts.

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IN SENATE, February 27th, 1846.

The Joint Special Committee to which was referred the two several Petitions of the Mayor of the city of Boston, praying in behalf of said city to be authorized to take and hold the waters of Long Pond in the towns of Framingham, Natick and Wayland, and the waters flowing into and from the same; and also of any other ponds and streams within the distance of four miles of said Long Pond, for the purpose of furnishing a supply of pure water for said city, with such powers as are necessary for the introduction and distribution of the same—have attended to the duties of their appointment and respectfully

### R E P O R T :

The several towns, corporations, and persons supposed to be interested in the application to the Legislature, contained in said petitions, having been duly notified of the same, the Committee met and proceeded to hear the several parties who chose to appear before them.

At the hearing, the Committee had received, as referred to them, the following remonstrances, to wit: Of the city of Lowell, of James R. Falkner and others; of A. Alger and 372 oth-



ers, legal voters of Lowell; of the selectmen of Billerica; and also a memorial from the Aqueduct Corporation; and a petition from James Brown and others. There were some other remonstrances and petitions received after the hearing was closed.

As to some of these remonstrances and petitions, no one appeared before the Committee. The town of Framingham appeared by their counsel, and Oliver M. Whipple, of the city of Lowell, appeared in his own behalf. These, together with Mr. Fletcher in behalf of the city of Boston, and Mr. Ames in behalf of the city of Lowell, constituted all the parties present at the hearing.

The first question presented to the Committee for their consideration was: Is there a want of water in the city of Boston? And the want of this necessary of life was proposed to be shown by the efforts which the inhabitants of the city have been making, for more than thirty years past, to procure a supply; and by facts, as they now exist, relative to the limited quantity and impurity of the waters within the city. It appears that the subject of bringing water into the city, has been more or less agitated and acted upon ever since 1795, when a grant to a private company was made to bring water from Jamaica Pond. The population of Boston at that period, was about 21,000. With that population, less than one-fifth of the present number of inhabitants, it was then deemed necessary to resort to some distant source for a supply of this element. Between 1816 and '22, a plan was entertained to introduce water from Spot Pond. But it resulted in no definite action.

In 1825, the city government passed an order on the subject of supplying the city with water. A report was made, setting forth the necessity existing for water, but no mode was agreed upon to furnish a supply.

In 1826 and '32, the attention of the city government was called to the subject—and, in the last named year, a committee reported in favor of obtaining a supply of water to meet the wants of the inhabitants.

In 1833, the mayor was directed to apply to the Legislature for leave to bring water into the city. And the same year the

inhabitants petitioned the city government, setting forth the insufficiency and impurity of the water.

In 1834, the city appropriated \$2,000 for a survey of the sources from whence water could be obtained, and a report was made upon the subject.

In 1835, the physicians of the city petitioned the city government upon the subject of water; representing, in their petition, that the water in the city was so impure, as to be unfit for the purposes of life, and urged the necessity for a supply of pure water as essential to the health of the inhabitants.

In 1836, '37, '38 and '39, the subject of bringing water into the city was before the city government; petitions were presented; reports made; and during this time an application was made to the Legislature for a grant of the necessary powers to supply the city with water; but the application failed for want of time.

During the years '40, '41 and '42, most all action upon the subject of water was suspended. But in 1843, the subject was again resumed, and Mr. Odiorne obtained an act of incorporation to supply the city with water from Spot Pond. This proposition, however, on the part of Mr. Odiorne, to furnish a supply of water, was not accepted by the city.

In 1844, public meetings were held, and the subject of supplying the city with water, was discussed. And, in order to obtain the sense of the people and their wishes in this matter, the subject of procuring a supply of water for the city from Long Pond, at the expense of the city, subject to be taxed for the use of the same, was directly acted upon by the voters of the city in their several wards—and out of 8,464 votes, 6,260 were given in favor of procuring water as proposed in the question submitted to them; and a still greater majority of the votes was given against obtaining a supply of water from any other source than Long Pond.

The city council, by a unanimous vote, directed the mayor of last year, to apply to the Legislature for a grant of the necessary powers to supply the city with water; and, in pursuance of that application, a grant was obtained, authorizing the city of Boston to take the waters of Long Pond, and the waters

flowing into and from the same, or the water of *Charles River* ; and when the voters were called upon to accept or reject the act, there was, out of 7,668 votes, 328 majority against accepting it.

Various reasons have been assigned why the act of last year was rejected. It gave the right to resort to the water of Charles River for a supply, which, by a previous vote, they had strongly decided against. It is said there were also provisions in that act, relative to water commissioners, which were not acceptable to the people ; and, besides, up to this period, and during the whole time of the agitation of this subject, there was not that unanimity of feeling and opinion, relative to the source to which it was best to resort, and the manner of accomplishing this work, that would have been desired in a matter of so much magnitude.

Upon the rejection of the act of last year, the city government appointed John B. Jervis, the engineer of the Croton Water Works in New York, and Walter R. Johnson, connected with the Fairmount Water Works at Philadelphia, commissioners, to examine the several sources from which a supply of pure water could be obtained and report thereon. These gentlemen, as well qualified, perhaps, as any in the country, both on account of scientific skill and practical knowledge, and certainly wholly disinterested in the matter about which the citizens of Boston had differed, entered upon the duties assigned them, during the last summer. And, having examined and surveyed the three several sources, to wit, Spot Pond, Charles River, and Long Pond, from which it had been contemplated to procure water, made, in November last, their report.

The city council, at the commencement of the present political year, being composed of several new members, again unanimously directed the mayor to make another application to the Legislature.

From this brief history of the efforts of the inhabitants of Boston, we have the strongest proof that there is great want of this essential element of life and health. These repeated attempts, on the part of the city, to procure pure water, have not been made from the expectation of any pecuniary gain to

them as individuals or as a corporation. But they have been made in accordance with the demand of the inhabitants, enforced by the growing and increasing deficiency both in the quantity and quality of water necessary for their wants. It is doubtless true, that some of the more favored portions of the city are not suffering from a deficiency in the quantity; though the impurity of the best water that can be found in the city is such, that its use would not be justified if any regard be had to health, provided better water could be obtained. And as no one from the city has appeared before the Committee to object to the granting the powers asked for, we presume, therefore, that those best supplied are willing to unite with the less favored portions of the city, and coöperate with them in procuring this necessary of life.

It was also proved to the Committee, that there was great deficiency in the quantity of water necessary for the inhabitants from the limited number of wells. It appears that large tracts of territory, covered with buildings, have but one well to which the inhabitants can resort for supply; and these wells being resorted to by so many, soon become exhausted, when those in the immediate vicinity must either go without water, or use that which is totally unfit for domestic purposes, if they can obtain it, or go to a great distance, and think themselves fortunate if not obliged to return with their vessels empty. One well, to which the inhabitants go for water, is protected by a box, which is kept locked, except a small portion of the day; and the people can no more get water, except during the hours while the box is kept open, than they could obtain a discount at one of the banks of the city out of banking hours. And there is a striking similarity between the vaults of the one, and the box of the other.

It was also shown, that vessels in the harbor were sometimes obliged to pay large sums for water to fill their casks prior to sailing. The Aqueduct Corporation, which has supplied some of the inhabitants is wholly inadequate to meet the demands of the people. It has relieved but a small portion of this large population from the want of water. And the source, from which this corporation derive their water, is so low as to be

inaccessible to the greater portion of the inhabitants. The committee, in view of all the facts presented to them, are of the opinion that there is great want of water in the city of Boston, and that the poor in many portions of the city are suffering from a deprivation of this element, both in health, comfort and cleanliness. And, we would also add, that the protection of the city against that devouring element, fire, demands a much larger supply of water than what now exists.

The quality of the water with which the city is now furnished, was also presented to the consideration of the Committee. And we think we can with truth say, that, from the opinion of the physicians of the city, from the chemical analysis of the waters, and from common observation, it is clearly shown, that the inhabitants of this city are drinking, and otherwise using, water containing ingredients deleterious to health, unfit for culinary purposes, and with difficulty can be used for cleansing. And when we consider the local situation of the city, it being almost surrounded by salt water and salt marshes, with a large portion of its territory but little elevated above tide water, and that territory covered with buildings, and a mass of impure matter, we could not expect but that the water would be impregnated and mixed with substances that would unfit it for any of the purposes of life. And we believe that, if the city of Boston had an abundant supply of water, of the kind and quality they are now using, such is its impurity, that considerations which should weigh with them more than matters of dollars and cents, ought to induce, and would fully justify, an effort to obtain a purer and more wholesome article.

The next question presented for the consideration of the Committee, was, as to the practicability and reasonableness of the plan proposed by the city, to introduce pure water. And this involves the question as to the power of the Legislature to give the grant asked for; the fact whether there is water that can be obtained, and the feasibility of the mode proposed for bringing it to the city at a reasonable cost.

It was said in argument, that this power of the Legislature for grants similar to the one now asked for, had been repeatedly exercised, and, without citing the acts to which the Com-

mittee were referred, we are satisfied that, in the request now made in behalf of the city of Boston, the Legislature are not called upon to take any new ground, or to establish a new principle in our legislation. The Committee have no doubt as to the constitutional right of the Legislature to confer upon the city, all the privileges, rights and authority, they ask for in their petition, for the purposes therein expressed. It was said, on the part of the remonstrants, that the grant asked for was not for public uses; and, therefore, was not within the provisions of the Constitution authorizing the taking of private property. But if private property cannot be taken for the use and benefit of one seventh part of the whole population of the State, and in the use of which, all may participate more or less, then we cannot conceive of a case when this constitutional provision could be exercised; and should be led to doubt the legality of all our grants for public purposes. What are the benefits to be conferred by giving the power asked for in this case, as compared with the objects, purposes, and benefit resulting from many of our grants? No one conversant with our statute books will need be told, that the benefit to be secured in the matter before us, immeasurably transcends in importance most, if not all, the cases in which the Legislature have readily exercised this power.

As to the fact whether there is water, that could be introduced into the city in sufficient quantity to supply their present and future wants, and of a degree of purity necessary to the full enjoyment of this element, in all the various purposes of life, the Committee were referred to the report of Messrs. Jervis and Johnson, which report, it was agreed, should be admitted as evidence.

As the structure for conducting the water into the city is proposed to be of the most durable character, and to last for ages, the Commissioners based their estimate as to the quantity, upon what they supposed might be the future population of the city; which they fixed at 250,000. Thirty gallons per day for each person, being the quantity actually used in Philadelphia, would make the daily supply required for that population  $7\frac{1}{2}$  millions of gallons.

The Commissioners ascertained that the extent of the supply that could be derived from Spot Pond, was only  $1\frac{1}{2}$  millions of gallons per day; obtaining a supply therefore from Spot Pond is now probably forever abandoned.

The next source examined by the Commissioners, was Charles River. If this river is resorted to for the purposes of the city, the water is to be taken out at the dam at Watertown, and conducted by an aqueduct of masonry to the base of a hill near the Arsenal Bridge, and then, by engines and pumps, forced through iron pipes into the city. The Commissioners' estimate of the expense, including capital necessary to provide for current expenses, and land damages and water rights, with the cost of distribution, was \$2,733,580. The Commissioners next examined Long Pond, as a source for supplying the city. It appears from their report that this pond is favorably located for the purposes of the city. It is a fraction less than 20 miles from the State House, and so elevated that, with the necessary fall for the flow of water in a conduit, it can be carried to  $6\frac{1}{2}$  feet above the State House floor. The land surrounding the pond is unoccupied by buildings, and with a small expenditure, the purity of the water can be preserved by preventing any foreign matter from flowing into it. There are also, in near proximity to this pond, other ponds and streams that could be connected with this pond, whenever the supply from it should fall short of the wants of the city, either from a large increased demand, or from a long period of drought.

The land between the pond and Corey's Hill, which is within four miles of the city, over which a conduit of masonry would be constructed, is favorable for this work. And from Corey's Hill to the city, iron pipes could be so laid that the public would suffer little or no inconvenience from the structure, necessary to connect the water of Long Pond with the city. The quantity of water that can be procured from Long Pond, the Commissioners state, is sufficient to supply the number of inhabitants, which they suppose the city, at no very distant period, may contain, viz: 250,000.

The water of Long Pond is found, upon analysis, to be purer and softer than the water of Charles River, the Croton water,

or the Schuylkill water. Of the water from six different sources, examined and analyzed by Mr. Silliman, of New Haven, he remarks "that this" (Long Pond water) "stands by itself in containing less solid matter to the gallon than any other; and in the feebleness of its reactions, with nearly all the chemical tests." He further says, "that it was entirely inodorous and tasteless, perfectly soft and pleasant to the taste," and when tested by soap, it was hardly rendered in any degree turbid; not more so than common rain water."

The Commissioners' estimate of the cost of introducing and distributing in the city  $7\frac{1}{2}$  millions of gallons of water per day, from Long Pond, with the land damages and water rights, was \$146,837 less than their estimate of the same from Charles River.

The Committee are aware that estimates for great public works are not always to be relied upon. But one of the Commissioners, having recently superintended the completion of a work, similar in its construction to the one now proposed to be built by the city, ought to be able to approximate, in his estimate, very near what would be the actual cost. And we would state here, that the Commissioners have more confidence in the accuracy of their estimate relative to the Long Pond source, than they have of the Charles River source. The contingency attending the maintaining in operation so much heavy machinery for pumping, as will be required if the water of Charles River is used, cannot be accurately foreseen.

The Commissioners, in the closing part of their report, give their opinion in the following language:—"In conclusion, it may be remarked, that in view of the whole subject, we have no hesitation in stating, as our opinion, that Long Pond is decidedly the most appropriate source to which the city can resort to obtain an adequate supply of pure and wholesome water for the present and future use of its inhabitants; and that it will not be a larger provision, in view of the probable growth of the city, than is desirable in works of this character and magnitude."

The mayor, in his address to the city council of the current year, says:—"As to the introduction of water into the city, the



time of deliberation is past—the time of action has come; a competent and disinterested Commissioner has decided that Long Pond is the source from which this blessing is to be derived.”

Having passed over the ground taken in the hearing thus far, we now proceed to state the views of the Remonstrants. The remonstrants of the city of Lowell, and of A. Alger and others, voters, in Lowell, stated in substance, that the diversion of the water of Long Pond, as proposed by the city of Boston, would result in a great diminution of the hydraulic power now supplied by Concord River. That said river furnishes almost the only conveniently accessible water power in Lowell for various kinds of mills and uses. That the waters of said river are now extensively used, and that they apprehend that the use of the waters of Long Pond, as proposed, would so far impair the value of the manufacturing establishments on Concord River, as to cause them to be abandoned. That it will diminish the business of the city, detract from its advantages, and depreciate the value of real estate.

The water of Long Pond flows into Sudbury River, and that river constitutes a branch of the Concord River. There was no evidence introduced in behalf of the remonstrants, as to what would probably be the damage to the mills on Concord River, by diverting the water of Long Pond. Mr. Knight, the owner of Long Pond, testified before the Committee, that the natural flow of water from Long Pond, before it had been retained by any artificial works, was only sufficient to drive a small grist mill. In 1833 or '34, Mr. Knight stated that he stopped the water flowing at the outlet from Long Pond for several weeks—and the owner of a mill at Billerica on Concord River, told him that he did not, during this time of the retention of the water, perceive the fact that there was any diminution of water at his mill.

It appeared also, that the Middlesex Canal proprietors had the right, and did actually take all the water of Concord River, in dry seasons; and as the mills on Concord River were below the canal, they were not benefited by the water of that river during those seasons, as the whole was diverted before it

reached them, except so far as a benefit might result to the mills from any tendency which the quantity of water flowing from Long Pond would have to shorten the period of the canal's entire use. The amount of damage to these mills on the Concord River, the water from Long Pond constituting so small a part, must, of course, be somewhat conjectural and uncertain. The evidence before the Committee strongly disproves the ground taken by the remonstrants as to the extent of the damage which they seem to apprehend; and even if the damage should be to the extent the remonstrants claim, it would add to the cost of accomplishing this great work; but would be no ground why the Legislature should not give the power asked for, unless that damage should swell to such an amount as to be disproportionate to the benefit to be derived by the power conferred by the Legislature; and this was not pretended.

The city of Lowell and the town of Framingham, in their corporate capacity, claimed that they should be indemnified for those remote and consequential damages they might sustain, and for which the law provides no remedy. . It was alleged, in behalf of said city and town, that real estate and taxable property would diminish in value, and that the advantages now possessed for an increase of wealth and population, would be taken from them. Without having any evidence before us to prove this allegation, suppose it should be admitted to be true, and that the diversion of the waters, as proposed, would produce the results which seem to be feared, this would bring about no new state of things in the history of our legislation.

Most of the charters that are granted to promote public improvements, the general welfare and prosperity of the people, operate with much greater force upon the corporate and private advantages and privileges of those adversely affected in their interests, than we believe it possible for the chartered rights now proposed to be conferred, can do. And the Committee see no necessity that has not always existed, for any new or peculiar provisions of indemnity, and therefore it is unnecessary to allude to the impracticability of adopting the principle of indemnity suggested by the remonstrants.

Mr. Whipple, of Lowell, who owns valuable mills on Con-

cord River, appeared before the Committee in his own behalf; and, in his very able argument, he raised the question whether the Legislature had the power to overthrow the diversion of a stream which contributed, with other streams, to make a volume of water valuable as water power, being actually used as such. Mr. Whipple's mills are about 20 miles from Long Pond, the water of which forms but a small portion of the water at his mills.

Mr. Knight, the owner of Long Pond, and the adjacent ponds, and who has valuable works now kept in operation by the water of Long Pond, is willing to part with all his title and interest in these ponds to the city of Boston. And the question is, whether Mr. Whipple has such a right in the water that issues from Long Pond, as to preclude the Legislature from interfering with that right, for any purpose whatever, by providing an indemnity for any injury he may sustain. To answer this question, we have only to refer to the authority given in this and other States of the Union for filling and sustaining canals with water from rivers, ponds, and streams.

In view of all the facts, the question comes to us,—Ought the power asked for by the city of Boston to be granted? The city asks no aid from the State. Such is the necessity for more and purer water, that they are willing to undertake this great work upon their own responsibility and at their own cost. Is the object worthy of the undertaking? And ought the city to be allowed to assume the responsibility of its accomplishment?

The value of an article depends, in a great measure, upon the inconvenience and suffering occasioned by the want of it. Water is as essential to life and health as bread; and, like air, it should be had without stint or measure. And when a large population is thrown upon a small space, the free use of water is the more indispensable. The purity of the atmosphere they breathe depends, in no small degree, upon this purifying element. And, it might be added, their moral atmosphere also would be greatly improved, by the introduction and free use of pure wholesome water.

In the opinions and views heretofore expressed, the several members composing the Committee, except Dr. Wilder, who

has not attended the hearing, and one other member who is absent, fully concur, and agreeable to these opinions, and the view we have taken of the subject upon the several questions raised and presented to the Committee, for their consideration, we give it as our opinion, that the prayer of the mayor of the city of Boston, in behalf of said city, ought to be granted. and we accordingly report the accompanying Bill.

C. B. RISING,  
*Chairman of the Committee.*

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Six.

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## AN ACT

For supplying the City of Boston with Pure Water.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1    SECT. 1. The city of Boston is hereby author-  
2 ized, by and through the agency of three Commis-  
3 sioners, to be appointed in the manner hereinafter  
4 provided, to take and convey to, into and through  
5 the said city, the water of Long Pond, so called, in  
6 the towns of Natick, Wayland and Framingham, and  
7 the waters which may flow into and from the same,  
8 and to hold the said pond and waters, and any other  
9 ponds and streams within the distance of four miles  
10 from said Long Pond, and any water rights connected  
11 therewith ; and may also take and hold, by purchase

12 or otherwise, any lands or real estate necessary for  
13 laying and maintaining aqueducts for conducting,  
14 discharging, disposing of, and distributing water, and  
15 for forming reservoirs ; and may also take and hold  
16 any land on and around the margin of said Long  
17 Pond, not exceeding five rods in width, measuring  
18 from the verge of said pond when the same shall be  
19 raised to the level of eight feet above the floor of the  
20 flume at the outlet thereof, and on and around the  
21 said other ponds and streams so far as may be neces-  
22 sary for the preservation and purity of the same ;  
23 for the purpose of furnishing a supply of pure water  
24 for the said city of Boston.

1   SECT. 2. The said city may, by and through the  
2 same agency, make and build one or more perma-  
3 nent aqueducts from any of the aforesaid water sour-  
4 ces to, into and through the said city, and secure  
5 and maintain the same by any works suitable there-  
6 for ; may connect the said water sources with each  
7 other ; may erect and maintain dams to raise and  
8 retain the waters therein ; may make and maintain  
9 reservoirs within and without the said city ; may  
10 make and establish such public hydrants, in such  
11 places as may, from time to time, be deemed proper,  
12 and prescribe the purposes for which they may be  
13 used ; and may change or discontinue the same ; may  
14 distribute the water throughout the city, and for this  
15 purpose may lay down pipes to any house or building  
16 in said city, the owner or owners thereof having no-  
17 tice, and not objecting thereto ; may regulate the  
18 use of the said water within and without the said  
19 city, and establish the prices or rents to be paid

20 therefor. And the said city may, for the purposes  
21 aforesaid, carry and conduct any aqueducts or other  
22 works by them to be made and constructed, over or  
23 under any water course, or any street, turnpike road,  
24 rail-road, highway, or other way, in such manner as  
25 not to obstruct or impede travel thereon ; and may  
26 enter upon and dig up any such road, street, or way,  
27 for the purpose of laying down pipes beneath the  
28 surface thereof, and for maintaining and repairing  
29 the same ; and, in general, may do any other acts  
30 and things necessary, or convenient and proper, for  
31 the purposes of this act.

1   SECT. 3. Three Commissioners shall be appoint-  
2 ed by the city council, who shall, during their con-  
3 tinuance in office, execute and perform, and super-  
4 intend and direct the execution and performance of  
5 all the works, matters and things mentioned in the  
6 preceding sections, which are not otherwise specially  
7 provided for in this act ; they shall be subject to  
8 such ordinances, rules and regulations, in the execu-  
9 tion of their said trust, as the city council may, from  
10 time to time, ordain and establish, not inconsistent  
11 with the provisions of this act, and the laws of this  
12 Commonwealth ; they shall respectively hold their  
13 said offices for the term of three years next after  
14 their said appointment, unless the aqueducts and  
15 works aforesaid, shall be sooner completed ; but they,  
16 or either of them, after having had an opportunity  
17 to be heard in his or their defence, may be remov-  
18 ed, at any time, by a concurrent vote of two-thirds  
19 of each branch of the city council ; and in case of a  
20 vacancy in the board of Commissioners, by death,

21 resignation or removal, such vacancy shall be filled  
22 by the appointment of another Commissioner, in  
23 manner aforesaid, who shall hold his said office for  
24 the residue of the said term of three years, with all  
25 the powers, and subject to all the restrictions afore-  
26 said. A major part of said Commissioners shall be  
27 a quorum for the exercise of the powers and the per-  
28 formance of the duties of the said office ; they shall,  
29 once in every six months, and whenever required by  
30 the city council, make and present, in writing, a par-  
31 ticular report and statement of all their acts and pro-  
32 ceedings, and of the condition and progress of the  
33 works aforesaid.

1     SECT. 4. Before the appointment of the Commis-  
2 sioners aforesaid, the city council shall establish and  
3 fix the salaries, or compensation, to be paid to the  
4 Commissioners for their services ; and the said sala-  
5 ries of the said Commissioners, so established and  
6 fixed as aforesaid, shall not be reduced during their  
7 continuance, respectively, in said office.

1     SECT. 5. Whenever the said office of Commis-  
2 sioners shall cease, either by the expiration of the  
3 said term of three years from the original appoint-  
4 ment, or by the completion of the aqueducts and  
5 works mentioned in the preceding sections of this  
6 act, all the rights, powers and authority, given to  
7 the city of Boston by this act, shall be exercised by  
8 the said city, subject to all the duties, liabilities and  
9 restrictions herein contained, in such manner, and  
10 by such agents, officers and servants as the city



11 council shall, from time to time, ordain, appoint and  
12 direct.

1   SECT. 6. If any owner of land, water or water  
2 rights, which shall be taken for the purposes of this  
3 act, shall not agree upon the damages to be paid  
4 therefor, he may apply, by petition, for the assess-  
5 ment of his damages, at any time within three years  
6 from the taking of the said land, water or water  
7 rights, as aforesaid, and not afterwards, to the court  
8 of common pleas, in the county in which the same  
9 are situated; such petition may be filed in the  
10 clerk's office of said court, in vacation or in term  
11 time, and the clerk shall thereupon issue a summons  
12 to the city of Boston, returnable, if issued in vaca-  
13 tion, to the then next term of the said court, and if in  
14 term time, returnable on such day as the said court  
15 shall order, to appear and answer to the said peti-  
16 tion; the said summons shall be served fourteen  
17 days, at least, before the return day thereof, by  
18 leaving a copy thereof, and of the said petition, cer-  
19 tified by the officer who shall serve the same, with  
20 the mayor or clerk of the said city; and the said  
21 court may, upon default or hearing of the said city,  
22 appoint three judicious and disinterested freeholders  
23 of this Commonwealth, who shall, after reasonable  
24 notice to the parties, assess the damages, if any,  
25 which such petitioner may have sustained as afore-  
26 said; and the award of the said freeholders, or the  
27 major part of them, being returned into, and ac-  
28 cepted by the said court, shall be final, and judg-  
29 ment shall be rendered, and execution issued there-  
30 on for the prevailing party, with costs, unless one of

31 the said parties shall claim a trial by jury, as herein-  
32 after provided.

1   SECT. 7. If either of the parties, mentioned in  
2 the preceding section, shall be dissatisfied with the  
3 amount of damages awarded as therein expressed,  
4 such party may, at the term at which such award  
5 was accepted, or the next term thereafter, claim, in  
6 writing, in said court, and have, a jury to hear and  
7 determine, at the bar of said court, all questions of  
8 fact relating to such damages, and to assess the  
9 amount thereof; and the verdict of such jury, being  
10 accepted and recorded by the said court, shall be  
11 final and conclusive, and judgment shall be rendered,  
12 and execution issued thereon; and costs shall be  
13 recovered by the said parties respectively, in the  
14 same manner as is provided by law, in regard to  
15 proceedings relating to the laying out of highways.

1   SECT. 8. No application shall be made to the  
2 court for the assessment of damages, for the taking  
3 of any water rights until the water shall be actu-  
4 ally withdrawn or diverted by the said city, under  
5 the authority of this act; and any person or cor-  
6 poration whose water rights may be thus taken and  
7 affected, may make his application aforesaid, at any  
8 time within three years from the time when the  
9 waters shall be first actually withdrawn or diverted  
10 as aforesaid.

1   SECT. 9. For the purpose of defraying all the  
2 costs and expenses of such lands, estates, waters,  
3 and water rights, as shall be taken, purchased or

4 held, for the purposes mentioned in this act, and of  
5 constructing all aqueducts and works necessary and  
6 proper for the accomplishment of the said purposes,  
7 and all expenses incident thereto, the city council  
8 shall have authority to issue, from time to time,  
9 notes, scrip, or certificates of debt, to be denomi-  
10 nated, on the face thereof, "BOSTON WATER SCRIP,"  
11 to an amount not exceeding, in the whole, the sum  
12 of three millions of dollars, bearing interest at a rate  
13 not exceeding the legal rate of interest in this Com-  
14 monwealth ; and said interest shall be payable semi-  
15 annually, and the principal shall be payable at pe-  
16 riods not more than forty years from the issuing of  
17 the said scrip, notes, or certificates respectively.  
18 And the said city council may sell the same, or any  
19 part thereof, from time to time, at public or private  
20 sale, or pledge the same for money borrowed for the  
21 purposes aforesaid, on such terms and conditions as  
22 the said city council shall judge proper.

1     SECT. 10. In addition to the sum of three mil-  
2 lions of dollars, mentioned in the preceding section,  
3 the said city council may, whenever, and so far as  
4 may be necessary, issue and dispose of notes, scrip,  
5 or certificates of debt, in the manner prescribed in  
6 the preceding section, to meet all payments of in-  
7 terest which may accrue upon any scrip by them  
8 issued : *provided, however*, that no scrip shall be is-  
9 sued for the payment of interest as aforesaid, after  
10 the expiration of two years from the completion of  
11 said aqueducts and other works ; but payment of all  
12 interest that shall accrue after that time, shall be  
13 made from the net income, rents and receipts, for

14 the use of the water, if they shall be sufficient for  
15 that purpose ; and if not, then the payment of the  
16 deficiency shall be otherwise provided for by the  
17 city council. All notes, scrip and certificates of  
18 debt, to be issued as aforesaid, shall be signed by  
19 the treasurer and auditors, and countersigned by the  
20 mayor of the said city, and a record of all such  
21 notes, scrip and certificates shall be made and kept  
22 by the said treasurer and auditors respectively.

1     SECT. 11. The city council shall, from time to  
2 time, regulate the price or rents for the use of the  
3 water, with a view to the payment, from the net in-  
4 come, rents and receipts therefor, not only of the  
5 semi-annual interest, but ultimately of the principal  
6 also of the "Boston Water Scrip," so far as the  
7 same may be practicable and reasonable.

1     SECT. 12. At any time after the expiration of  
2 two years from the completion of the works men-  
3 tioned in the second section of this act, and before  
4 the reimbursement of the principal of the "Boston  
5 Water Scrip," herein before mentioned, if the sur-  
6 plus income and receipts for the use of the water  
7 distributed, under the provisions of this act, at the  
8 price established by the city council, after deducting  
9 all expenses and charges of distribution, shall, for  
10 any two successive years, be insufficient to pay the  
11 accruing interest on the said scrip, then the supreme  
12 judicial court, on the petition of one hundred or  
13 more of the legal voters of the said city, praying that  
14 the said price may be raised and increased so far as  
15 may be necessary for the purpose of paying, from the

16 said surplus income and receipts, the said accruing  
17 interest; and upon due notice of the pendency of  
18 such petition given to the said city, in such manner  
19 as the said court shall order, may appoint three Com-  
20 missioners, who, upon due notice to the parties in-  
21 terested, may raise and increase the said price, if  
22 they shall judge proper, so far as may be necessary,  
23 in their judgment, for the purpose aforesaid, and no  
24 farther. And the award of said Commissioners, or  
25 the major part of them, being returned to the said  
26 court, at the then next term thereof for the county  
27 of Suffolk, and accepted by the said court, shall be  
28 binding and conclusive, for the term of three years  
29 next after the said acceptance, and until the price so  
30 fixed by the Commissioners, shall, after the expira-  
31 tion of said term, be changed or altered by the city  
32 council.

1     SECT. 13. If the surplus income and receipts for  
2 the use of the water distributed under the provisions  
3 of this act, at the price established by the city council,  
4 after deducting all expenses and charges of distribu-  
5 tion, shall, for any two successive years, be more than  
6 sufficient to pay the accruing interest on the "Bos-  
7 ton Water Scrip," herein before mentioned, then the  
8 supreme judicial court, on the petition of one hun-  
9 dred or more of the legal voters of the said city,  
10 who may deem the said price unreasonably high, and  
11 pray for a reduction thereof; and upon due notice of  
12 the pendency of said petition given to the said city,  
13 in such manner as the said court shall order, may  
14 appoint three Commissioners, who, upon due notice  
15 to the parties interested, may, if they shall judge  
16 proper, reduce the price established by the city coun-

17 cil ; *provided* that such reduction shall not be so great  
18 that the surplus income and receipts aforesaid, will,  
19 in the judgment of the said Commissioners, be there-  
20 after insufficient for the payment of the said accruing  
21 interest. And the award of the said Commission-  
22 ers, or the major part of them, being returned and  
23 accepted, as mentioned in the preceding section,  
24 shall be binding and conclusive, in the same manner  
25 and to the same extent as therein provided in regard  
26 to awards made pursuant to the provisions of that  
27 section.

28 And the said court may, at their discretion, order  
29 the costs of such petitions as are mentioned in this  
30 and the preceding section, and of the proceedings  
31 thereon, or any part thereof, to be paid by either of  
32 the said parties, and may enter judgment and issue  
33 execution therefor accordingly.

1 SECT. 14. The occupier of any tenement shall be  
2 liable for the payment of the price or rent, for the  
3 use of the water in such tenement ; and the owner  
4 thereof shall be also liable, if, on being notified of  
5 such use, he does not object thereto ; and if any per-  
6 son or persons shall use any of the said water, either  
7 within or without the city, without the consent of the  
8 city, an action of trespass on the case may be main-  
9 tained against him or them, by the said city, for the  
10 recovery of damages therefor.

1 SECT. 15. If any person or persons shall wantonly  
2 or maliciously divert the water, or any part thereof,  
3 of any of the ponds, streams or water sources, which  
4 shall be taken by the city pursuant to the provisions  
5 of this act ; or shall corrupt the same, or render it

6 impure ; or destroy or injure any dam, aqueduct,  
7 pipe, conduit, hydrant, machinery, or other proper-  
8 ty held, owned or used by the said city, by the au-  
9 thority and for the purposes of this act; every such  
10 person or persons shall forfeit and pay to the said  
11 city, three times the amount of the damages that  
12 shall be assessed therefor, to be recovered by any  
13 proper action. And every such person or persons  
14 may, moreover, on indictment and conviction of either  
15 of the wanton and malicious acts aforesaid, be pun-  
16 ished by fine, not exceeding one thousand dollars,  
17 and imprisonment not exceeding one year.

1    SECT. 16. The mayor and aldermen of the city of  
2 Boston shall notify and warn the legal voters of the  
3 said city, to meet in their respective wards, on such  
4 day as the said mayor and aldermen shall direct, not  
5 exceeding thirty days from and after the passing of  
6 this act, for the purpose of giving their written votes  
7 upon the question, whether they will accept the  
8 same ; and if a majority of the votes so given upon  
9 the question aforesaid, shall be in the negative, this  
10 act shall be null and void.

1    SECT. 17. The said city of Boston is hereby au-  
2 thorized to purchase and hold all the property, es-  
3 tates, rights and privileges of the Aqueduct Corpo-  
4 ration, incorporated by an act passed February 27th,  
5 A. D. 1795, and by any convenient mode may con-  
6 nect the same with their other works.

1    SECT. 18. This act shall take effect from and  
2 after its passage.

## SENATE.....No. 48.

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### Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, Jan. 27, 1846.

*Ordered*, That the Committee on Education be instructed to inquire into the expediency of so amending the seventh section of the forty-first chapter of the Revised Statutes, as to authorize the associations therein specified to assume any corporate name, according to their pleasure, and to confer upon such associations all the power contained in the preceding sections of said chapter.

Sent up for concurrence.

C. W. STOREY, *Clerk*.

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SENATE, Jan. 28, 1846.

Concurred.

CHAS. CALHOUN, *Clerk*.



## **Commonwealth of Massachusetts.**

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IN SENATE, Feb. 27, 1846.

The Joint Committee on Education, to which was committed the Petition of John Wells and others, praying for incorporation for literary and educational purposes, and an Order directing said Committee to inquire into the expediency of amending the seventh section of the forty-first chapter of the Revised Statutes, report the accompanying Bill.

By order of the Committee,

**E. ROCKWOOD HOAR.**

**Commonwealth of Massachusetts.**

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In the Year One Thousand Eight Hundred and Forty-Six.

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**AN ACT**

Respecting Corporations for Mutual Improvement and the Promotion of Education.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1    **SECT. 1.** Corporations may be formed, pursuant  
2 to the seventh section of the forty-first chapter of the  
3 Revised Statutes, either by the name of " Lyceum,"  
4 as is therein provided, or by any other corporate name  
5 which the associates shall adopt.

1    **SECT 2.** Corporations formed in pursuance of the  
2 said seventh section may, in addition to the powers  
3 and privileges therein granted, have and exercise all  
4 the powers and privileges granted by the first six sec-  
5 tions of said forty-first chapter, and may hold real  
6 and personal estate, to any amount not exceeding  
7 twenty thousand dollars, in addition to the value of  
8 their books.



## SENATE....No. 49.

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### Commonwealth of Massachusetts.

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IN SENATE, Feb. 27th, 1846.

The Joint Committee on Fisheries, to which was committed the Petition of Job Handy and others, praying that an act may be passed prohibiting all persons, not inhabitants of Barnstable, from digging clams on the shores of said town, report the accompanying Bill.

WELCOME YOUNG, *Chairman.*

## Commonwealth of Massachusetts.

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In the year One Thousand Eight Hundred and Forty-Six.

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### AN ACT

For the Protection of the Shell Fishery in Barnstable.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1   SECT. 1. If any person, not an inhabitant of the  
2 town of Barnstable, shall dig or take any clams from  
3 the flats owned in said town, without permission first  
4 obtained in writing from the selectmen of said town,  
5 the person so offending shall forfeit, for every bushel  
6 of clams, including their shells, so dug or taken, the  
7 sum of one dollar, to be recovered on complaint before  
8 any justice of the peace for the county of Barnstable,  
9 one half to the use of the person prosecuting for the  
10 same, and the other half for the use of said town.

1    **SECT. 2.**    Any vessel, boat, or craft, being in the  
2 possession or use of any person violating the first sec-  
3 tion of this act, at the time and place of such viola-  
4 tion, may be seized, detained, and proceeded against  
5 as is provided in the fourteenth section of the fifty-  
6 fifth chapter of the Revised Statutes.



## SENATE.....No. 50.

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### Commonwealth of Massachusetts.

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IN SENATE, Feb. 21, 1846.

*Ordered*, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the one hundred and seventh chapter of the Revised Statutes, relating to the foreclosure of Mortgages.

CHAS. CALHOUN, *Clerk*.



## **Commonwealth of Massachusetts.**

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IN SENATE, Feb. 27, 1846.

The Committee on the Judiciary, to which was committed the Order of the 21st inst., instructing them to inquire into the expediency of amending the one hundred and seventh chapter of the Revised Statutes, relating to the foreclosure of Mortgages, have considered the same, and report the accompanying Bill.

For the Committee,

FRANCIS O. WATTS, *Chairman.*

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Six.

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### AN ACT

Concerning the Foreclosure of Mortgages.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1    **SECT. 1.** When any judgment shall hereafter be  
2 rendered in an action brought to foreclose a mortgage  
3 of real estate, and an execution for possession of the  
4 premises shall issue thereon, the officer who shall serve  
5 said execution shall, within three months after the  
6 same is returnable to the clerk's office, cause the same,  
7 with his return thereon, to be recorded in the registry  
8 of deeds for the county where said real estate is situ-  
9 ate—the expense of which recording shall be added to  
10 the charge of levying the execution.

1    **SECT. 2.** Whenever such an execution as is men-  
2 tioned in the preceding section, shall be recorded, with

3 the officer's return thereon, within three months from  
4 the time when the same is returnable, to the clerk's  
5 office, the possession obtained under the same shall  
6 be effectual for the purposes mentioned in the first  
7 section of the one hundred and seventh chapter of the  
8 Revised Statutes, from and after the time when the  
9 service of said execution shall be completed; but if  
10 said execution, with the return thereon, shall not be  
11 recorded until after the expiration of three months  
12 from the time when it is made returnable, the posses-  
13 sion, for the purposes aforesaid, shall be considered as  
14 obtained when the said execution, with the return  
15 thereon, shall be recorded.

# SENATE.....No. 51.

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## Commonwealth of Massachusetts.

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IN SENATE, Feb. 20, 1846.

*Ordered*, That the Committee on the Judiciary inquire into the expediency of repealing, or altering, the 74th section of the 39th chapter of the Revised Statutes, relating to the location of Rail-roads.

CHAS. CALHOUN, *Clerk*.

## **Commonwealth of Massachusetts.**

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IN SENATE, Feb. 26, 1846.

The Committee on the Judiciary, to which was committed an Order of the 20th inst., to inquire into the expediency of repealing, or altering, the 74th section of the 39th chapter of the Revised Statutes, relating to the location of Rail-roads, have considered the same, and report the accompanying Bill.

For the Committee,

**T. D. ELIOT.**

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Six.

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### AN ACT

Concerning Rail-roads.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1   SECT. 1.   The seventy-fourth section of the thirty-  
2   ninth chapter of the Revised Statutes, conferring upon  
3   the county commissioners, and upon the court of  
4   common pleas, power to authorize, on the petition of  
5   any rail-road corporation, an original location of a rail-  
6   road to be made, or an existing location to be altered,  
7   in any part thereof, without the limits prescribed by  
8   the charter of such corporation, is hereby repealed.

1   SECT. 2.   This act shall take effect from and after  
2   its passage.



## SENATE....No. 52.

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### Commonwealth of Massachusetts.

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IN SENATE, Feb. 27, 1846.

The Joint Committee on Railways and Canals, to which was committed the Petition of John Cushing and others, praying for leave to construct a rail-road from Hanover, Four Corners, to Abington, report the accompanying Bill.

THOS. HOPKINSON, *Chairman.*



## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Six.

---

### AN ACT

To Establish the Hanover Branch Rail-road Company.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1 SECTION 1. John Cushing, George Curtis, John  
2 Sylvester, Luther Howland, and Isaac M. Wilder,  
3 their associates and successors, are hereby made a  
4 corporation, by the name of the Hanover Branch  
5 Rail-road Company, with all the powers and privi-  
6 leges, and subject to all the duties, restrictions, and  
7 liabilities, set forth in the forty-fourth chapter of the  
8 Revised Statutes, and in that part of the thirty-  
9 ninth chapter of said statutes relating to rail-road  
10 corporations, and the public statutes which have been  
11 or may be subsequently passed relating to such cor-  
12 porations.

1    SECT. 2.   The said company is hereby authorized  
2 to construct and maintain a rail-road, extending from  
3 some point, near the Four Corners, in Hanover,  
4 through parts of Hanover and Abington, to some  
5 convenient point of intersection with the Old Colony  
6 Rail-road in Abington.

1    SECT. 3.   The capital stock of said company  
2 shall consist of not more than twelve hundred and  
3 fifty shares, of one hundred dollars each, the num-  
4 ber of which shall be determined, from time to time,  
5 by the directors thereof; and the said company may  
6 take, purchase, and hold such real estate, on the  
7 line of said rail-road, and may purchase and hold  
8 such cars, engines, and other personal property, as  
9 may be necessary and convenient for the purposes  
10 of the rail-road.

1    SECT. 4.   If the location of said rail-road shall  
2 not be filed within one year, and said rail-road be  
3 not constructed within three years from the passage  
4 of this act, then the same shall be void.

1    SECT. 5.   The said Hanover Branch Rail-road  
2 Company may enter, with their rail-road, by proper  
3 turnouts and switches, upon the Old Colony Rail-  
4 road at the point of intersection aforesaid, and use  
5 the same, or any part thereof, paying such rate of  
6 toll, or compensation, as the Legislature may, from  
7 time to time, prescribe, and complying with such  
8 rules and regulations as shall be established by said  
9 Old Colony Rail-road Corporation: *provided, how-*  
10 *ever,* the said Hanover Branch Rail-road shall not  
11 enter upon said Old Colony Rail-road with any mo-  
12 tive power, unless the said Old Colony Rail-road  
13 Corporation shall refuse to draw over their road, or

14 any part thereof, the cars of said Hanover Branch  
15 Rail-road,

1     SECT. 6. The Legislature may authorize any  
2 other rail-road to enter with another rail-road, at  
3 any point of the said Hanover Branch Rail-road, and  
4 use the same, or any part thereof, paying therefor  
5 such rate of toll, or compensation, as may be fixed  
6 by agreement of said companies, or as the Legisla-  
7 ture may, from time to time, prescribe, or may be  
8 fixed under any general law of this Commonwealth,  
9 complying with the rules and regulations which may  
10 be established by said Hanover Branch Rail-road  
11 Company: *provided, however*, that no other corpora-  
12 tion shall enter upon said Hanover Branch Rail-road  
13 with any motive power, unless said Hanover Branch  
14 Rail-road Company shall refuse to draw over their  
15 road, or any part thereof, the cars of any such rail-  
16 road corporation authorized to enter thereon with  
17 their rail-road.

1     SECT. 7. The corporation hereby established is  
2 authorized hereby to transfer all its property, rights,  
3 privileges and franchise, under this charter, to the  
4 Old Colony Rail-road Corporation, or its successors,  
5 whenever said last named corporation, or its succes-  
6 sors shall elect to receive and hold the same, in such  
7 manner and upon such terms as shall be mutually  
8 agreed upon; and, upon such transfer, said Old Col-  
9 ony Rail-road Corporation shall enjoy and be invest-  
10 ed with all the powers, privileges, and franchise,  
11 hereby granted, and shall be subject to all the res-  
12 trictions and liabilities hereby imposed.

## SENATE.....No. 53.

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### Commonwealth of Massachusetts.

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IN SENATE, Feb. , 1846.

The Joint Committee on Manufactures, to which was committed the Petition of the Essex Company, praying authority longer to obstruct the navigation of the Merrimack River, after maturely considering the subject, have directed the report of the accompanying Bill.

NATH. B. BORDEN, *Chairman.*

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Six.

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### AN ACT

In addition to An Act incorporating the Essex Company.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1   SECT. 1. The consent of this Commonwealth is  
2 hereby given, that the Essex Company may expend,  
3 of its capital stock, within the State of New Hamp-  
4 shire, such sums of money as the said Company may  
5 deem expedient, in improving the power of the Mer-  
6 rimack River ; and, for this purpose, the said Company  
7 may, with the consent of the State of New Hampshire,  
8 acquire by purchase, and hold real and personal prop-  
9 erty within the limits of that State.

1   SECT. 2. The time during which the said Com-  
2 pany are, by the third section of the act to which this  
3 act is in addition, authorized to obstruct the passage

4 of rafts, masts, or floats of timber, down the said  
5 river, is hereby extended for the period of one year :  
6 *provided, however*, that during the said year it shall be  
7 the duty of the said Company to provide and keep in  
8 readiness, for such purposes, sufficient men and teams  
9 to transport all such rafts, masts and floats of timber,  
10 around such obstruction in the river, so as to cause as  
11 little delay as possible in the navigation thereof : *pro-*  
12 *vided, also*, that any person or persons, who shall suf-  
13 fer any damage in his or their rafts, masts, or floats of  
14 timber, by reason of any neglect of the said Company,  
15 may recover the same with costs, in an action on the  
16 case, against the said Company, in any court proper  
17 to try such action ; but the said Company may, before  
18 action brought, tender amends, and if, on the trial,  
19 such tender shall be found sufficient, it shall bar such  
20 action : *and provided, further*, that nothing herein  
21 contained shall be construed to affect any suit, in law  
22 or equity, now pending ; and any such suit shall be  
23 heard and determined in the same manner as if this  
24 act had not passed.



## SENATE....No. 54.

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### **Commonwealth of Massachusetts.**

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IN SENATE, Feb. 28, 1846.

The Joint Committee on Railways and Canals, to which was committed the Petition of William Livingston and others, praying for leave to construct a rail-road from Lowell to Andover, report the accompanying Bill.

THOS. HOPKINSON, *Chairman.*



**Commonwealth of Massachusetts.**

---

In the Year One Thousand Eight Hundred and Forty-Six.

---

**AN ACT**

To establish the Lowell and Andover Rail-road Company.

**BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1 SECTION 1. William Livingston, Sidney Spauld-  
2 ing, Otis Allen, Royal Call, their associates and suc-  
3 cessors, are hereby made a corporation, by the name  
4 of the Lowell and Andover Rail-road Company,  
5 with all the powers and privileges, and subject to  
6 all the duties, liabilities and provision, contained in  
7 that part of the thirty-ninth chapter of the Revised  
8 Statutes, and the statutes which have been, or may  
9 be, subsequently passed, which relate to rail-road  
10 corporations, and also in the forty-fourth chapter of  
11 said Revised Statutes contained.

1   SECT. 2. The said company is hereby authorized  
2 and empowered to locate, construct, and finally com-  
3 plete a rail-road, with one or more tracks, from  
4 some convenient point in the city of Lowell, near  
5 the termination of a contemplated branch of the  
6 Nashua and Lowell Rail-road, and between the junc-  
7 tion of said branch and the canal ; thence crossing  
8 the track of the Boston and Lowell Rail-road, at  
9 and, diagonally, under the Arch Bridge, and running  
10 within the premises of the said rail-road, by or near  
11 the east side of said tracks, to a point between the  
12 bridge over the Old Boston Road, and the junction  
13 of the Branch Rail-road, leading to the Lowell  
14 Bleachery, (with power to alter, in a suitable man-  
15 ner, within said limits, and under the provisions  
16 hereinafter contained, the bridges and abutments  
17 across said Boston and Lowell Rail-road, and with  
18 power to diverge, easterly, therefrom, by one or  
19 more tracks, to some convenient point, or points,  
20 not more than fifty rods therefrom ; ) and thence  
21 through the town of Tewksbury, passing near the  
22 Rev. Jacob Coggin's meeting-house, and thence by  
23 a line running west of Haggett's Pond, so called, in  
24 Andover, to some convenient point, at or near the  
25 contemplated branch of the Boston and Maine Rail-  
26 road, to Methuen, or intersecting with the said Bos-  
27 ton and Maine Rail-road, near the Andover Bridge,  
28 (with liberty to enter with said Lowell and Andover  
29 Rail-road, upon the rail-road of the Boston and  
30 Maine Rail-road Company and the Nashua and Low-  
31 ell and Lowell Rail-road Company, at the above  
32 described points, and upon that part of the Boston  
33 and Lowell Rail-road, north of the junction of the

34 branch leading to the Lowell Bleachery;) and to  
35 use the same, or any part thereof, paying therefor  
36 such a rate of toll, or compensation, as may be agreed  
37 by said parties, or as the Legislature may, from time  
38 to time, prescribe, or as may be fixed by any general  
39 laws of this Commonwealth, and complying with  
40 such rules and regulations as may be established by  
41 said Boston and Maine, and said Nashua and Lowell  
42 and Boston and Lowell Rail-road Companies, res-  
43 pectively: *provided, however*, that said Lowell and  
44 Andover Rail-road Company shall not enter upon  
45 the rail-road of any other company with any motive  
46 power, to use the same, unless such other company  
47 shall refuse to draw over their road, or any part  
48 thereof, the cars of said Lowell and Andover Rail-road  
49 Company; and also that the corporation hereby  
50 created shall construct and maintain their track, or so  
51 much thereof as may be within the premises of the  
52 Boston and Lowell Rail-road Company, and shall  
53 cross the tracks of said corporations, in such place  
54 within the limits named in this act, and in such man-  
55 ner, as the said last named corporation shall pre-  
56 scribe, or as shall be determined upon, as hereinafter  
57 stated; and shall conform to, and abide by, such rea-  
58 sonable rules and regulations, for security against  
59 collisions and accidents, as the said Boston and Low-  
60 ell Rail-road Corporation shall establish for the man-  
61 agement of the motive power and trains on the res-  
62 pective roads, at and near such crossings, or within  
63 the premises of the said corporation.

1    SECT. 3. And if the company hereby created  
2 shall object to the place and manner, in which they

3 shall be required to construct and maintain their  
4 crossing and track, by the Boston and Lowell Rail-  
5 road Corporation, within their premises, or to the  
6 rules and regulations which they shall prescribe, as  
7 aforesaid, then and in such case the same shall be  
8 established and determined, from time to time, as  
9 circumstances may require, by three commissioners,  
10 to be agreed upon by the parties, or appointed for  
11 the purpose by the governor and council, upon the  
12 application of either party, after notice to the ad-  
13 verse party, who may be heard in regard to such  
14 appointment; and it is further provided, that the  
15 company hereby created, shall pay, to the Boston  
16 and Lowell Rail-road Corporation, a reasonable com-  
17 pensation for such use of their road as is granted by  
18 this act, the amount to be paid in one sum and not  
19 as annual rent, and to be determined, in case of dis-  
20 agreement, by three referees, of whom the said  
21 companies shall respectively appoint two, and they  
22 shall choose a third; and the company hereby es-  
23 tablished shall indemnify the said Boston and Lowell  
24 Rail-road Corporation, from time to time, for any  
25 additional cost and expenses which they shall be put  
26 to by reason of such crossing of their road, in the  
27 preparation, repair and maintenance thereof, and  
28 arising from the necessity of the precautions, afore-  
29 said, to be prescribed for the prevention of colli-  
30 sions and accidents.

1   SECT. 4. The capital stock of said Lowell and  
2 Andover Rail-road Company shall consist of not  
3 more than three thousand shares, the number of  
4 which shall, from time to time, be determined by the

5 directors thereof; and no assessment thereon shall  
6 be laid, of a greater amount, in the whole, than one  
7 hundred dollars on each share.

1    SECT. 5. If the location of said rail-road shall  
2 not be filed, according to law, within one year from  
3 the first day of September next, or if said company  
4 shall not complete said rail-road to the extent pro-  
5 vided for in the second section of this act, according  
6 to the terms therein stated, within three years from  
7 the first day of September next, then this act shall  
8 be null and void.

1    SECT. 6. The Legislature may authorize any com-  
2 pany to enter with another rail-road, at any point of  
3 said Lowell and Andover Rail-road, and use the  
4 same or any part thereof, paying therefor such a rate  
5 of toll, or compensation, as the Legislature may,  
6 from time to time, prescribe, or as may be fixed by  
7 any general law of this Commonwealth, and comply-  
8 ing with such rules and regulations as said Lowell  
9 and Andover Rail-road Company may prescribe:  
10 *provided, however,* that no other corporation shall  
11 enter upon the rail-road of said Lowell and Andover  
12 Company, with any motive power, unless said last  
13 named company shall refuse to draw over their road,  
14 or any part thereof, the cars of such other rail-road  
15 company authorized to enter with their rail-road  
16 upon said Lowell and Andover Rail-road.

1    SECT. 7. The Legislature may, after the expira-  
2 tion of five years from the time when said rail-road  
3 shall be opened for use, from time to time, reduce

4 the rates of toll, or other profits, upon said rail-  
5 road ; but said tolls, or other profits, upon said rail-  
6 road, shall not, without the consent of said company,  
7 be so reduced as to produce, with said profits, less  
8 than ten per cent. per annum.

1   SECT. 8.   This act shall take effect from and after  
2 its passage.



## SENATE....No. 55.

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### Commonwealth of Massachusetts.

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IN SENATE, Feb. 28, 1846.

The Joint Committee on Parishes and Religious Societies, to which was committed the Petition of Second Parish in Dorchester, praying for an alteration in their act of incorporation, report the accompanying Bill.

GEO. WHEATLAND, *Chairman.*



## Commonwealth of Massachusetts.

---

In the year One Thousand Eight Hundred and Forty-Six.

---

### AN ACT

Further in addition to An Act to incorporate the Second Parish in Dorchester.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1   SECT. 1. No person shall hereafter become a mem-  
2 ber of said Society, unless he shall be a proprietor of  
3 a pew in the meeting-house of said Society.

1   SECT. 2. No proprietor of pews in said meeting-  
2 house shall be entitled to more than one vote in the  
3 meetings of the Society.

1   SECT. 3. The fourth section of the act of incorpo-  
2 ration of the Second Parish in Dorchester, passed the  
3 nineteenth day of June, eighteen hundred and seven,  
4 is hereby repealed.





## SENATE.....No. 56.

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### Commonwealth of Massachusetts.

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IN SENATE, Feb. 28, 1846.

The Joint Committee on Towns, to which was committed the Order of the Senate of 17th January, directing them to consider the expediency of altering the second section of an act passed March 24, 1843, to set off Willard Newton and others from Southboro' to Marlboro', report the accompanying Bill.

For the Committee,

J. G. THURSTON, *Chairman.*

## Commonwealth of Massachusetts.

---

In the Year One Thousand Eight Hundred and Forty-Six.

---

### AN ACT

To amend "An Act to set off Willard Newton and others, with their estates, from Southborough, and annex them to Marlborough."

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

1    SECT. 1.   Until the next State valuation, the town  
2 of Marlborough shall be holden to pay the town of  
3 Southborough one ninetieth part of all the State or  
4 County taxes which may, before that time, be assess-  
5 ed on said town of Southborough.

1    SECT. 2.   The second section of the eighty-ninth  
2 chapter of the statute of the year one thousand eight  
3 hundred and forty-three, is hereby repealed.





## SENATE.....No. 57.

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### Commonwealth of Massachusetts.

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IN SENATE, Feb. 23, 1846.

The Committee on Public Lands, to whom was referred the Petition of John H. Pillsbury and others, praying to be reimbursed certain sums paid by them to the authorities of the Province of New Brunswick, have considered the same, and report a Resolve.

By order,

EDM. KIMBALL, JR., *Chairman.*



**Commonwealth of Massachusetts.**

---

In the Year One Thousand Eight Hundred and Forty-Six.

---

**RESOLVE**

On the Petition of John H. Pillsbury and others.

*Resolved*, That, for reasons stated in the said petition, the Land Agent be authorized and empowered to cancel, or give up, to John H. Pillsbury, Ebenezer Webster and James Taylor, the obligation signed by them, dated the tenth day of September, one thousand eight hundred and thirty-nine, and also the obligation signed by Leonard Jones, dated the ninth day of September, one thousand eight hundred and thirty-nine, which obligations are now lying in the Land Office : *provided*, the said Pillsbury, Webster and Taylor, shall execute a sufficient assignment to the Commonwealth, of all claim or claims which they have, or may have, to any part of what is called the "Disputed Territory Fund."

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SENATE, Feb. 24, 1846.

Read and recommitted, with instructions to report the facts in the case.

CHAS. CALHOUN, *Clerk*.

## **Commonwealth of Massachusetts.**

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IN SENATE, March 2d, 1846.

The Committee on Public Lands, to whom was recommitted a resolve on the petition of John H. Pillsbury and others, with instructions to report a statement of facts, submit the following

### **R E P O R T :**

The parties mentioned in the resolve are obligors in a bond given to the Treasurer of this Commonwealth, on the tenth day of September, 1839, for the payment of the stumpage of timber, cut by virtue of a license from the Land Agent of this State; on which bond the amount due June 1st, 1840, was three thousand seven hundred and fifty-six dollars and eighty-two cents. The same parties are also bound to pay to the Commonwealth the further sum of seven hundred and twenty-eight dollars and eighty cents, being the amount due June 1st, 1840, on a bond given to the Treasurer, signed by Leonard Jones as principal, and Amos M. Roberts and Wm. A. Mills as sureties. This bond was also given for stumpage of timber, cut under a license from the Land Agent, which license was assigned to these parties, they becoming responsible for the performance of the bond.

The territory, on which the timber alluded to was cut, was, at that time, in dispute between the Government of the United States and that of Her Britannic Majesty; it lies south of the line established by the Treaty of Washington, is within the limits of the State of Maine, and is the property of this Commonwealth. While the timber was in the River St. John, and within the Province of New Brunswick, it was seized by the

authorities of that Province, as timber cut on territory claimed by them. In order to obtain possession of their property, it became necessary for these parties to procure bonds to be given by English subjects to the authorities of the Province, to pay the stumpage, or "tonnage duties" of eight shillings per ton, (New Brunswick currency,) and three pence per ton for survey. They afterwards paid over, on those bonds, to the Provincial Government, the sum of five thousand two hundred and forty-eight dollars and fifty-three cents, *which was carried to the "Disputed Territory Fund,"* (so called,) and three hundred and four dollars and seventy-four cents costs of suits brought on the bonds, together with one hundred and seventy-four dollars for counsel fees, and other costs accruing in consequence of those suits. These several sums constitute an aggregate of \$5727 27.

During the progress of the negotiations, which ended in the Treaty of Washington, it became necessary or expedient to cede to the British Government territory supposed to be within the limits of Maine; but the Federal Government had no constitutional authority to make such cession, without the consent of that State. Its assent to the treaty was given on the following among other conditions:—"That the amount of the Disputed Territory Fund received by the authorities of New Brunswick, for timber cut on the Disputed Territory, shall be paid over to the United States, for the use of Maine and Massachusetts, in full, and a particular account rendered, or a gross sum, to be agreed upon by the Commissioners of Maine and Massachusetts, shall be paid by Great Britain as a settlement of said fund.

In pursuance of that conditional assent, article 5 was inserted in the treaty. That article, so far as is material to be quoted, is as follows:—Whereas, in the course of the controversy respecting the Disputed Territory on the northeastern boundary, some moneys have been received by the authorities of Her Britannic Majesty's Province of New Brunswick, with the intention of preventing depredations on the forests of said territory, which moneys were carried to a fund called the Disputed Territory Fund, the proceeds whereof, it was agreed,

should hereafter be paid over to the parties interested in the proportions to be determined by a final settlement of boundaries. It is hereby agreed, that a correct account of all receipts and payments on the said fund, shall be delivered to the government of the United States within six months after the ratification of this treaty; and the proportion of the amount due thereon to the States of Maine and Massachusetts, and any bonds and securities appertaining thereto, shall be paid and delivered over to the government of the United States; and the government of the United States agrees to receive, for the use of, and pay over to the States of Maine and Massachusetts, their respective portions of said fund.

The Committee were inclined to the opinion, it might with some color of reason be assumed, that the government of the United States is bound to pay over to this Commonwealth, the amount paid by these parties into the Disputed Territory Fund. Consent was given to the treaty, on the express condition that the whole amount of the "fund" should be paid over for the use of Maine and Massachusetts. By making the treaty, the Federal Government guarantied (independent of the 5th article,) to those States the performance of that condition. Their just claim to the "fund" is acknowledged by the government of the United States, while *they* have in effect admitted the right of these parties to demand from them the sums paid, under the circumstances before recited, into that fund.

It was stated before the Committee, upon the authority of one of the Maine Commissioners, that the 5th article of the treaty was inserted for the purpose of procuring an indemnity to the two States for such sums as they would be equitably bound to pay to individuals operating on their lands in good faith and under permits from them, as well as to secure to them the proceeds of timber cut by trespassers.

It did not appear to the Committee, upon the whole, that payment of the bonds of these parties ought to be enforced. The involuntary, compulsive payment of five thousand dollars and upwards, to the authorities of New Brunswick, which sum was carried to the "fund," may be considered as equivalent to a payment of the bonds given to this Commonwealth.

In regard to the claim for expenses incurred in defending the suits before alluded to, the Committee were of opinion that it ought not be admitted; for, although those sums were received by the authorities of New Brunswick, it did not appear that they had been carried to the credit of the "fund." The further claim for the amount paid to counsel, the Committee, without hesitation, rejected.

An acquittance of the obligations contracted by these parties, will afford them a sensible relief without (as the Committee believe,) any ultimate loss to the State.

For the Committee.

EDM. KIMBALL, Jr., *Chairman.*





**SENATE.....**

**.....No. 58.**

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**REPORT**

**ON**

**CAPITAL PUNISHMENT.**

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## **Commonwealth of Massachusetts.**

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**HOUSE OF REPRESENTATIVES, January 15, 1846.**

*Ordered*, That so much of the Governor's Message as relates to reducing the number of capital offences now existing in this Commonwealth, be referred to a Special Joint Committee, consisting of

**Messrs. WILSON**, of Natick,  
**WASHBURN**, of Boston,  
**BRAGG**, of Milford,  
**EARLE**, of Worcester, and  
**LEWIS**, of Barnstable,

with such as the Senate may join.

Sent up for concurrence.

**C. W. STOREY**, *Clerk.*

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**SENATE, January 16, 1846.**

Concurred,—and Messrs. **WATTS** and **BORDEN** are joined.

**CHAS. CALHOUN**, *Clerk.*

## **Commonwealth of Massachusetts.**

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IN SENATE, Jan. 30, 1846.

*Ordered*, That the Joint Special Committee on that part of the Governor's Message relating to Capital Punishment, consider the expediency of reporting an amendment to the 8th article of the second chapter of the Constitution of Massachusetts, so that the power of pardon shall be taken from the Governor and Council, for offences now punishable with death, whenever capital punishment shall be abolished by law, except in cases where the innocence of parties convicted shall be subsequently proved.

Sent down for concurrence.

CHAS. CALHOUN, *Clerk*.

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HOUSE OF REPRESENTATIVES, Jan. 31, 1846.

Concurred.

C. W. STOREY, *Clerk*.

## Commonwealth of Massachusetts.

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IN SENATE, *March 6th*, 1846.

THE Joint Special Committee, to whom was referred so much of the Message of His Excellency the Governor, as relates to reducing the number of capital offences, together with sundry petitions, praying for the total abolition of capital punishment; also an order concerning the expediency of amending the Eighth Article of the Second Chapter of the Constitution, so as to take from the Governor and Council the power of pardon, in certain cases, have attended to their duties and respectfully submit the following

### R E P O R T :

That since the penalty for robbery of the person and for breaking and entering a dwelling-house in the night time, (the offender being armed with a dangerous weapon,) was reduced, in the year eighteen hundred and thirty-nine, to confinement in the state prison for life, the number of offences punishable by death, in this Commonwealth, has been only four, namely, treason, murder, arson, and rape; and the grave question which the committee have had before them, and to which they have given their serious attention, is whether this list of capital crimes can be still further reduced, and at the same time adequate provision be made for the security of society.

It will be observed, that this question does not now present itself for the first time. From year to year it has been brought to the attention of one or the other, or both branches of the Legislature; sometimes by the executive, once by the attorney general, but most frequently by petitions, more or less numer-

ously signed by persons engaged in that which they appear to believe an important reform.

In the year eighteen hundred and thirty-six, Gov. Everett, in his address before both branches of the Legislature, called their attention to the subject in the following words:—"A grave question has been started, whether it would be safe to abolish altogether the punishment of death. An increasing tenderness for human life is one of the most decided characteristics of the civilization of the day, and should in every proper way be cherished. Whether it can, with safety to the community, be carried so far as to permit the punishment of death to be entirely dispensed with, is a question not yet decided by philanthropists and legislators. It may deserve your consideration, whether this interesting question cannot be brought to the test of the sure teacher—experience. An experiment, instituted and pursued for a sufficient length of time, might settle it on the side of mercy. Such a decision would be matter of cordial congratulation. Should a contrary result ensue, it would probably reconcile the public mind to the continued infliction of capital punishment as a necessary evil. Such a consequence is highly to be desired, if the provisions of the law are finally to remain, in substance, what they are at present. The pardoning power has been entrusted to the chief magistrate; but this power was not designed to be one of making or repealing the law. A state of things which deprives the executive of the support of public sentiment, in the conscientious discharge of his most painful duty, is much to be deplored. But though I believe the community prepared to give a fair trial to the abolition of capital punishment for all other crimes, it may be doubted whether the experiment could with propriety be extended to the wilful shedding of blood."

Gov. Morton, in eighteen hundred and forty, addressed the Legislature as follows:—"Our criminal code, in the progressive improvement it has received, is now characterized by its humanity as well as by its justice. But it is, in my opinion, susceptible of still further and important amendments. The lenity of punishments is one of the proofs of the improvement of the age. The number of crimes now by law punishable

with death, is very small; and, in my opinion, public sentiment calls for a still further reduction of it. The statistics of crime satisfactorily show that the number of offences is not increased by the mitigation of punishments; but, on the contrary, that crimes have diminished nearly in proportion to the amelioration of criminal law. The legitimate object of human punishment is not the expiation of the offence, but the prevention of crime and the security of the community. Any severity beyond what is required for this purpose, savors of cruelty, and an unnecessary infliction of pain on our fellow creatures. The severity of criminal laws renders their execution difficult, and thereby defeats the object of them. The certainty rather than the severity of punishment, is the surest prevention of crime. The strong sentiment against the punishment of death, which pervades the community, renders capital convictions almost impracticable, and thus frequently enables great offenders to escape merited punishment. Many people doubt the right of human governments to take the life of a fellow being for any cause, and believe that life, the immediate gift of God, that which cannot be restored by any human power, should not be destroyed by it. Without entering into this inquiry, but believing that the number of capital punishments may safely be reduced, if the whole may not be abolished, and that the most prudent and effectual way to correct errors, or reform abuses, is by gradual and progressive steps, testing them by experience as we proceed, I recommend the substitution of a milder punishment than death, in most cases, leaving the punishment of murder for the revision of future Legislatures."

Differing, as these distinguished individuals do, in their views of many other subjects, it will not escape notice, that, in regard to the amelioration of our criminal law, they appear to have been of one mind. They both, in substance, admit that an increasing tenderness for human life is one of the characteristics of the civilization of the day; both believe that public opinion will not merely tolerate, but that it seems to demand a reduction of the number of capital offences; both are in favor of reform by gradual and progressive steps, test-

ing them by experience as we proceed; and while they recommend no change as to the crime of murder, they both, as *an experiment*, (and an experiment which they believe will be a successful one,) are in favor of abolishing capital punishment for all other crimes.

In eighteen hundred and forty-two, the Hon. James T. Austin, then Attorney General of the Commonwealth, in his annual report to the Legislature, made the following remarks:—

“Whether the punishment of death should be abolished, in any of the few cases to which it is now applied, has been often a subject of legislative inquiry. It does not belong to me to enter upon an argument that is nearly exhausted; but I deem it within my province, in this connection, respectfully to submit to the Legislature an humble opinion, that, in the present state of society, it is no longer an abstract question whether capital punishment is right, but whether it be practicable, and that there is good reason to believe that punishment for crime would more certainly follow the commission, if the Legislature should further abrogate the penalty of death. As the law now stands, in this respect, its efficiency is mostly in its threatenings; but the terror of a trial is diminishing, and the culprit finds his impunity in the severity which it denounces.”

These opinions of chief magistrates, and of the highest prosecuting officer of the Commonwealth, are in accordance with those of large numbers of citizens, which, from time to time, have been declared briefly, but yet explicitly, in the many petitions which have been presented to the Legislature. There is, however, this distinction between them; while the chief magistrates and the attorney general, above named, appear to have only hoped that by possibility, at some distant day, and after a long tried experiment, capital punishment may forever cease, the petitioners, to whom reference is made, earnestly entreat the Legislature *immediately* to abolish all laws which require the infliction of death as a penalty for crime.

The results of the attention which has been given of late to the subject of crime and its punishment, are within the reach of all. Those who desire information may read with advantage the

reports which have been made on the subject by various committees to the Senate, or to the House of Representatives, in this Commonwealth, during the ten years last past;—to these may be added the argument of the Rev. George B. Cheever upon capital punishment,—the report of a select committee of the Legislature of New York, in eighteen hundred and forty-one, commonly referred to as Mr. O'Sullivan's Report, the work of Mr. Charles Spear, entitled, "Essays on the Punishment of Death," and an elaborate article in the North American Review for January, 1846. In these various publications, the subject may be said to have been exhausted; and, instead of a labored document, containing facts, as familiar as household words—arguments presented, it may be, for the hundredth time, and for the hundredth time, it may be, in the opinion of some, refuted, the Committee, believing that thereby their duty, in this respect, at least, will be deemed to have been acceptably performed, and availing themselves of the labors of others, beg leave to refer at once, and directly, to these sources of information.

In his address to the two branches, at the commencement of the present session, His Excellency the Governor recommended to the calm consideration of the Legislature, the propriety of reducing the number of capital offences in this Commonwealth, and declared his own opinion in the following words: "In the case of murder, much reflection has convinced me of the propriety of making degrees of guilt in that crime. Whilst the penalty of death shall remain against the wilful and deliberate murderer in the first degree, murder in the second degree, committed under circumstances of mitigation, should be punished by confinement in the State Prison during life."

The statute of New Hampshire, of January 13th, 1837, provides that all murder committed by poison, starving, torture, or other deliberate and premeditated killing, or committed in the perpetration of arson, rape, robbery or burglary, is murder in the first degree, and all murder not of the first degree is of the second degree. The jury are to find the degree by their verdict. Murder of the first degree is punished with death. Murder of the second degree by imprisonment. The laws of



several other States are, as to this matter of degrees in murder, similar to those of New Hampshire, viz: New Jersey, Pennsylvania, Maryland, Virginia, Ohio, Tennessee, Missouri, Louisiana, Michigan, and Maine.

In 1839, the commissioners appointed, in virtue of a resolve of March 10th, 1837, "to reduce so much of the common law of Massachusetts as relates to crimes and punishments, and the incidents thereof, to a written and systematic code," made their preliminary report, which may be found among the legislative documents for that year, being the Senate document, number twenty-one. Accompanying this report, was a specimen of the work upon the crime of murder. The commissioners distinctly recommend that there be established two degrees of murder; the one, punishable with death, including all cases of wilful and premeditated killing, and those cases, also, where the killing occurs in the perpetration of a crime itself punishable capitally, and where, therefore, the intent may properly be transferred to the act; the other, punishable by imprisonment for life, or for a term of years, including all other cases of murder, where the malice is implied, contrary to the fact, from the general or particular presumptions of law. "This proposition," the commissioners add, "has not certainly any merit for its originality, as such degrees, with nearly the same limits, are now established in several of the United States, as well as more or less extensively in nearly every foreign country on the globe."

That which distinguishes murder from manslaughter is the existence of malice in the one, and the absence of it in the other. But malice may be either express or implied. *Express malice* means, generally, malice proved to have existed in fact; *implied malice*, such as the law presumes, often contrary to the fact. "By the gradually extended meaning which has been given by the common law to the word *malice*, as one of the ingredients of murder, it has been made to include many cases of unintentional killing, and a great variety of offences terminating accidentally in death, which have hardly a shade of the dark and deep malignity of the original crime, and which cannot, without great injustice, and an entire disregard of the princi-

ples governing the wise adaptation of laws, be classed with it, as of the same grade, and deserving the same punishment." The commissioners (from whom the foregoing remarks in regard to malice are borrowed,) proceed: "It is, for instance, a well established principle of the common law, that if one engaged in the perpetration of any '*felony*,' (a word of wide and somewhat doubtful interpretation in the common law,) shall kill another, though accidentally, and when the offender could not have foreseen the consequence, he is guilty of murder. 'As if,' says Lord Coke, (3d inst. s. 56,) A, meaning to steal a deer in the park of B, by the glance of the arrow, killeth a boy that is hidden in a bush, this is murder, though A had no intent to hurt the boy, nor even knew of him.' Or, to take a case more applicable here, from other authors, (1 East, P. C., 255 and 231; Foster, 258; 1 Hawkins, ch. 29, s. 11,) 'When A shoots at the poultry of B, and, by accident, kills a man; if his intent were to steal the poultry, which must be collected from the circumstances, it will be murder, by reason of the felonious intent.' "

"This principle which is in force with us," the Commissioners proceed to say, "confounds very different degrees of crimes, both as to the depravity which they indicate and the terror which they are calculated to spread through society. In the case first quoted, A has not the guilt of murder or any similar guilt in his heart, and is not before God or man in its true and original sense a murderer. He was, to be sure, engaged in the perpetration of a mean and detestable crime, but a crime vastly less than murder; and it is accident only which has connected with it in any degree the responsibility for the blood of a fellow creature. Undoubtedly, regard is to be had in the punishment to the *consequences* of crimes as well as to the *motives* which prompt to them; but this is only true in its full extent, when the consequences might be foreseen and guarded against, and so enter, in some measure, into the guilt of the original design; and the principle cannot be extended so far as it has been to mere collateral consequences." "It is another familiar principle of the Common Law, that every killing shall be presumed to be with malice, and therefore

murder, unless the contrary appear; and although manslaughter is defined to be 'the killing of another unlawfully and in the fury of one's mind,' yet it has often been decided that passion is not sufficient to reduce the killing to this grade of crime, if the provocation which excited it was by words only, and not by any actual bodily violence. The law has here its indulgences for pain of the body, but none for pain of the mind. And yet who does not know that the provocation may be as great, as adequate to induce at the moment a dangerous blow, in the one case as in the other? Upon some temperaments, indeed, and those sometimes possessed by men not of the most debased nature, the effect might be even stronger and more irritating in the first case than in the last; and yet the law allows no mitigation, no apology for a human infirmity which is wrought upon by derision or insult of word or gesture however provoking; and thus where there is only the *moral* guilt of manslaughter, the offender pays the penalty of *legal* murder, with his life."

The Commissioners further add, that they have examined with great care the codes and treatises upon the criminal law of foreign countries, and believe that they can state confidently that, in no civilized community, (excepting such as derive their institutions of punishment from the Common Law of England,) even where their codes are the most sanguinary, is there provided the punishment of death for any other killing, than that which is "wilful and premeditated."

Since this report of the Commissioners was presented to the Legislature, the commissioners who had been appointed to revise the laws of the State of Maine, have made a report—and it constitutes the basis of the Revised Statutes of that State. It appears that the distinction of degrees in murder has been adopted there; murder committed with express malice aforethought, or in perpetrating or attempting to perpetrate any crime punishable with death, or imprisonment for life, or for an unlimited term of years, being deemed murder of the first degree—and when committed in any other way being deemed murder of the second degree.

The Committee are of opinion that the suggestion of His Ex-

cellency, as to the division of the crime of murder into degrees, is a wise one, and they unite in recommending that the existing law be amended in conformity thereto. To this extent they believe this Commonwealth ought to advance; beyond this limit they do not, in the present state of public sentiment, think it would be wise to proceed.

*Treason.* There is no provision made for the punishment of this crime in the laws of the following States: North Carolina, Tennessee, Louisiana and Ohio.

It is no longer capital in the following States: Vermont, New Hampshire, Rhode Island, Pennsylvania, Maryland and Kentucky.

It is a capital crime in the following States: Maine, Massachusetts, Connecticut, New York, New Jersey, Alabama, Arkansas and Michigan.

The number of convictions for treason in this Commonwealth, since the adoption of the Constitution, has been sixteen—all of which were for offences committed in Shay's rebellion. There has never been an execution for treason here, and it is believed, there has not been one under the laws of any State in the Union.

It can hardly be thought that the existence of treason in the list of capital offences, has been the cause of the infrequency of the commission of the crime; and there is as little reason for the belief that persons disposed to wage war against the State, would be deterred by the fact that the commission of the crime exposes one to the penalty of death. While there may be no reason here to fear the "abuse, oppression or cruelty," which in the opinion of many persons have attended the punishment of this crime in other countries, the criminal intent is of such a character, and when manifested in overt acts will be so likely to harmonize with the feelings of one or another of the political parties of the day, that it will never be the policy of the government to punish these acts by death. Whatever the enormity of this crime, it carries that along with it, which it is believed, will always secure for the offending party mild punishment, if not after a short season an entire and unconditional pardon.

**Rape.** Rape is at present a capital crime in the following States :—

Massachusetts, Delaware, North Carolina, South Carolina, Louisiana and Arkansas; *Massachusetts being the only one of the New England States when a person convicted of this crime, is punished capitally.* In Maryland, rape is punished by death or by imprisonment, at the discretion of the court.

In the following States, capital punishment for this crime has never existed, or has been abolished :—

Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Virginia, Georgia, Kentucky, Tennessee, Ohio, Alabama, Mississippi, Indiana, Illinois, Missouri.

The punishment for rape in several of the States, is believed to be as follows :—

In Maine, New Hampshire and Connecticut, imprisonment for life.

In Vermont, the maximum is ten years imprisonment and a fine.

In Rhode Island, New York, Virginia, Kentucky, Tennessee, Mississippi and Missouri, the minimum is ten years imprisonment. In New Jersey, from six months to fifteen years. In Pennsylvania, from two years to twelve years. Illinois, from one year to imprisonment for life. Ohio, from three years to twenty years.

Rape is no longer a capital offence in England.

Of sixty-one executions, being the whole number in this Commonwealth, and under the laws thereof, for all crimes from 1780 to 1846, six were for the crime of rape, and two individuals convicted of the crime were either pardoned or had their punishment commuted.

From June 1, 1832, to January 1, 1843, there were, in this Commonwealth, nine trials for rape; and of these, not one resulted in a capital conviction.

**Arson.** This is no longer a capital offence in either of the following States :—

New Hampshire, New Jersey, Pennsylvania, Tennessee, Ohio, Michigan, Missouri and Alabama.

In the following States, it is capital only when it is the cause of death :—

Vermont, Connecticut, Illinois, Indiana and Arkansas.

In Kentucky, it is capital only for setting fire to the Penitentiary.

In Rhode Island and Maryland, it is capital or not, at the discretion of the court.

From 1780 to 1846, the whole number of persons convicted capitally of arson in this Commonwealth, was six, of whom four were executed, and two were either pardoned or had their punishment commuted.

The Committee devoted the afternoons of several days to the arguments of such persons as thought proper to appear before them. It is due to the gentlemen who thus appeared to state, that whatever may be the views of others, they themselves seemed to believe the work of reform in which they were engaged, to be a most important one. Statistics of crime in various foreign lands, as well as in our own country, were furnished, showing satisfactorily to the Committee, that "the number of offences is not increased by the mitigation of punishment." These statistics, a few of which have been given in this report, were full of interest; and the Committee would gladly have presented them in full, did they not know that they would be given to the public in another form.\*

Should the recommendation of the Committee be adopted, the only capital offence in this Commonwealth will be murder in the first degree.

If the changes which have taken place elsewhere in softening the rigor of the law in this country be really a reform, Massachusetts, in the work of reform, has not kept pace with her sister States.

With the recommendation of three of her chief magistrates, which the Committee have thought proper to set forth at some length, and with the declared opinion of her Attorney General,

\* The Committee beg leave to refer to Mr. Rantoul's Letters "on the Death Penalty," recently published. Also, to an article "on Capital Punishment in the United States," from the pen of George Bemis, Esq., in the Law Reporter for March, 1846.

that there is good reason to believe that punishment for crime would more certainly follow its commission, if the Legislature should still further abrogate the punishment of death, the Committee are of opinion, that the interesting questions which they have had before them, may now be brought to the test of experience; and they cannot withhold the declaration of their earnest hope, that the experiment which they advise, "instituted and pursued for a sufficient length of time," may settle the question "on the side of mercy," and that the changes which they may recommend, may become the permanent law of the land.

The subject of capital punishment is one that has been not merely so frequently, but it may be said so continually, before the Legislature of late years, that the Committee do not think a labored argument in support of the conclusion to which they have arrived, is expected of them, or that it could be listened to without manifest impatience; they, therefore, prefer as they have done in the commencement of this report, to point out certain sources of information, and leave those who may be so disposed, to draw from them for themselves.

While all of the Committee believe some mitigation of the punishment of crime to be called for, and the majority of them are of opinion that, to the extent proposed, the change which they recommend will prove to be a wise one, they all are willing, without adverting to other and higher grounds, that their recommendation should be regarded in the light of an experiment, to be continued as a part of the settled policy of the State, should it, after sufficient trial, be successful—and to be abandoned, if, after trial, it shall be satisfactorily proved to be a failure.

Whatever opinions may exist as to the right of human governments to take life, there is, as to *the end of punishment*, a good degree of uniformity of sentiment. One writer states the object of punishment in this way;—first, to reform the offender; secondly, to deter others from offending; and lastly, to secure the safety of the community by depriving the offender of the power of doing mischief. Another writer, thus;—the end of punishment is two-fold; amendment and example. Another

as follows;—the end of human punishment is to prevent future offences :

1. By amending the offender ;
2. By deterring others through his example ;
3. By depriving him of the power to do future mischief.

And one more writer, thus;—"The common law considers the great object of the public punishment of crimes to be the prevention of offences by deterring both the offender and others from a repetition of the same. Its object is not so much atonement for, or expiation of, the offences, as a precaution against their recurrence. This naturally includes, not as a primary motive, but as an incident, the reformation of the criminal himself; for, so far as that is effected, it prevents offences. That system of punishments is most desirable which attains its object by such a reformation." The writer last quoted proceeds to add, that reformation cannot always be relied on, and hence, as he says, arises the necessity or policy of capital punishments; and this, he further adds, ought never to be resorted to, except in cases of atrocious guilt, and when less punishments are manifestly inadequate to procure security.

That the reformation of the offender is a most desirable end, no one can for a moment doubt. And that it cannot be effected, may be declared, when the experiment, having been tried on a scale commensurate with its importance, shall have proved to be a failure.

While the Committee trust that they have no morbid sympathy for crime, they cannot but feel that allowance ought to be made, and that society too frequently fails to make it, for the circumstances in which its offending members have been placed, and under which they have acted. Even in the case of the blackest crimes, something may be urged in extenuation. Could we take to ourselves the attribute of Deity, and from the beginning see the end, or from the end look back upon the beginning,—had we always the means of connecting consequence with cause,—could we know how fatal in one case has been the want of early culture, and, in another, how strong the temptation which has ended at last in some violation of law, while we might not be led thereby to dispense with punish-



ment, it would tend to moderate the severity with which we sometimes visit our erring fellow men.

The present, however, is an imperfect state of being, our means of knowledge are limited, we see but in part; from the present outward act, we deduce the hidden motive. The Commonwealth must receive no detriment. *Its* security is to be provided for, at any cost; and if, as "an incident," something can be done for the reformation of the offender, it is well.

In the opinion of the Committee, the time has come, when, in legislation for the punishment of crime, the reformation of the criminal may be placed more prominently forward; and while, in the changes which they recommend, they are governed mainly by other considerations, this is one which they regard as worthy of most serious thought. By the light which is breaking in upon the world, society may be brought to see that itself is not wholly free from fault, and as, from time to time, it is called on to regulate its own security by adjusting the modes of punishment of crime, it may possibly learn that the necessity is, to some extent, one created by itself.

The Committee have another objection to the penalty of death, in cases where it can be dispensed with: not only is there no sufficient provision made for the reformation of the offender, but the security of society itself is overlooked. When all the reasons shall have been urged on one side and the other, in regard to a change in the law providing for the punishment of crimes, the question which, as legislators, we shall have before us, will be this:—Can the number of offences which, by the laws of this Commonwealth are now punishable by death be reduced, and, at the same time, adequate provision be made for the security of society?

The extreme difficulty of procuring a conviction, is one that presents itself on every capital trial. So great is it, that the opinion was expressed by the highest prosecuting officer of the Commonwealth, that the question is not whether capital punishment is right, but whether it be practicable. It may be that this difficulty is not so great as it has sometimes been supposed to be; but it is believed to be of sufficient magnitude greatly to interfere with the ordinary administration of law on the

trial of capital cases. The prosecuting officer, too, frequently feels that the odds are against him, and whatever may be the weight of the evidence, and however free from doubt he may be as to the guilt of the accused, he finds that he stands alone.

While the Committee are by no means prepared to admit that capital punishment is no longer "practicable" in this Commonwealth, they do believe that the difficulty in procuring convictions, in the present state of the law, is a serious and an increasing one. The extreme reluctance of persons to appear as witnesses, or to sit as jurors, in cases where their testimony or their verdict may tend to deprive a fellow being of life, is too well known to need remark. As before intimated, the difficulty ought not to be overstated; and, supposing it to be as great as it has been sometimes represented—granting it to be true that men will sometimes prove regardless of the obligations of their oaths from considerations of humanity—it may still admit of question how far legislators ought to go in accommodating the laws to such a standard of right.

If, after giving the subject all the consideration it deserves, it shall be found that the law, as it now exists, in regard to the offences punishable with death, cannot be altered so as to carry out the idea of the reformation of the offender, and at the same time adequately to provide for the security of society, then *let the law stand*; and if witnesses and jurors will disregard their oaths, on them be the responsibility. While, in the opinion of the Committee, the law, *if right*, ought not to be relaxed, in order to meet this state of things, the fact that there is this reluctance, on the part of jurors and witnesses, is one that may properly be considered by legislators in settling the question as to the wisdom of the law.

Is it true that there is this reluctance; and if so, is it of long standing or of recent origin?

Does it exist to such an extent as materially to interfere with the operation of the law?

Is there reason to think, that as people become more enlightened it will increase or diminish?

Is it the result of a morbid sensitiveness—of a general impatience of restraint—a *radical* spirit in the community, subver-

sive of law and order, or does it spring from the recognition of man, however fallen, as a part of God's great family,—from that universal love which our holy religion inculcates, and from the obligation to exercise which, we can never desire to escape?

These various questions the Committee do not intend fully to answer, but in passing, they merely throw them out for the consideration of others. That there is a practical difficulty, of sufficient importance to call for a more careful inquiry into its cause, and that this state of feeling, on the part of many persons, who may be called to act as jurors and witnesses, does exist, *and is generally understood to exist*, so that those who violate the laws can act with reference to it, and, to some considerable extent, rely upon it for their deliverance, the Committee think cannot be doubted. Without referring particularly to the cases set forth in the various reports and works on the subject of capital punishment, which might be cited in support of this opinion, the Committee may be pardoned for alluding to a case known to one of their own number.

After the trial of Buzzell for arson, in the County of Middlesex, in the year 1834, (which ended in a verdict of acquittal,) several other persons being about to be put upon trial for the same offence, the attorney general moved for leave to strike from the indictment those counts in it which charged the prisoners with a capital crime. To this the *counsel for the prisoners objected*. The motion was allowed, but the fact that they preferred a trial which, had it resulted unfavorably, might have cost them their lives, rather than to take their chance in one where, if convicted, the worst that could happen would be imprisonment, speaks volumes.

It is the opinion of the Committee, that while, by the existing laws, which punish treason, arson, and rape with death, no proper regard is paid to the reformation of the offender, the wisest policy has not been adopted for the good of the public. A course more lenient to the offender, would have been a more safe one for society. It is not revenge that the public demand. It is not punishment for the *sake* of punishment: it is *security*. And the problem to be solved is, what is the mildest

form, and what the lowest degree of punishment, which will fully, and beyond a doubt, effect this purpose.

Until a comparatively recent period, England had two hundred crimes punishable by death. She now has ten.

In 1646, idolatry was a capital crime in Massachusetts. So were witchcraft and blasphemy, and smiting of parents by their children. This severity of punishment was justified by a reference to scripture.

Is there any thing, either in England or in this country, which renders it certain that the work of reform has reached the mark beyond which it will not be safe to proceed?

A recent writer (Dr. Cheever) virtually admits that the penalty of death should be reserved for the crime of murder, which, as he says, ought "*to stand apart, in its penalty, from all other crimes.*" And he adds, "it is the annexing of the penalty of death to so many other crimes that has made the whole difficulty. Death has been taken from the hand of the divine Legislator, from the place he assigned to it as a penalty, and most wantonly, most barbarously, most indiscriminately applied to minor offences, in such wise that the mind is filled with horror at the sanguinary and oppressive nature of such codes. Hence a prejudice against the infliction of this penalty in any case. Hence has it proceeded, that it has become a mere threat, in many cases not executed. Hence the unwillingness of jurors to convict," &c.

It has been occasionally hinted, that persons, who favor a reduction in number of the crimes made punishable by death, weaken the arm of government, and would gladly dispense with all law. But it seems to the Committee, that they rather are liable to the charge, who insist on retaining in the statute book rules which are not enforced; penalties on parchment, with all the forms of enactment, but with none of the efficacy of law.

Having considered the various matters referred to them, the Committee have arrived at certain results which may be briefly stated as follows:

In this Commonwealth, there exist four crimes punishable with death. In regard to the crime of murder, the Com-

mittee (whatever may be the private opinion of any of their number,) do not believe the community are prepared for any greater change than that recommended by His Excellency the Governor. There are those, and they constitute a large part of the people of the State, who believe, that as to this crime, Jehovah himself hath fixed the penalty, and that to abate an iota of its severity, is to violate a law of the Most High.

Then there are others, who, regarding the subject, as they say, *practically*, believe death and nothing short of death, to be the proper punishment for this crime. They have a law engraved on their consciences, declaring this to be the penalty for murder. They believe the safety of society cannot be secured in any other way.

To these may be added a third class, consisting of persons opposed to all capital punishment, who, nevertheless, are willing that the reform which they desire, and which they hope to achieve, be effected "by gradual and progressive steps."

After giving the whole subject their serious attention, the Committee have come to the conclusion before expressed, as to the crime of murder.

In regard to the crimes of treason, rape and arson, they recommend that the punishment of death be abolished, and that there be substituted therefor imprisonment in the State Prison for life.

The Committee have also, in obedience to the order of the thirtieth of January last, considered the expediency of reporting an amendment of the eighth article of the second chapter of the Constitution, so as to take from the Governor and Council the power of pardon in certain cases, and they are of opinion that it is, at the present time, inexpedient to report such an amendment.

In the further discharge of their duty, the Committee respectfully ask leave to report the accompanying bills.

FRANCIS O. WATTS, *Chairman.*

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Six.

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### AN ACT

Concerning the crime of Murder.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1    SECT. 1. Every person who shall commit the crime  
2 of murder, from a premeditated design to effect the  
3 death of the person killed, or of any human being, or  
4 in perpetrating, or attempting to perpetrate any crime  
5 punishable, or that shall be punishable with imprison-  
6 ment in the State Prison for life, shall be deemed  
7 guilty of murder in the first degree, and shall suffer  
8 the punishment of death.

1    SECT. 2. Every person who shall commit murder,  
2 otherwise than is set forth in the preceding section,  
3 shall be guilty of murder in the second degree, and  
4 shall be punished by imprisonment in the State Prison  
5 for life.

1    **SECT. 3.** The jury before whom any person in-  
2    dicted for murder shall be tried, shall, if they find  
3    such person guilty thereof, declare by their verdict,  
4    whether such person be guilty of murder in the first  
5    or second degree.

1    **SECT. 4.** Every person being an inhabitant or  
2    resident of this State, who shall, by previous appoint-  
3    ment or engagement made within the same, fight a  
4    duel without the jurisdiction of the State, and in so  
5    doing shall inflict a mortal wound upon any person,  
6    whereof the person so injured shall afterwards die,  
7    within this State, shall be deemed guilty of murder in  
8    the first degree within the State, and shall be punish-  
9    ed with death; and he may be indicted, tried and  
10   convicted, in the county where such death shall hap-  
11   pen.

1    **SECT. 5.** Every person being an inhabitant or  
2    resident of this State, who shall, by previous appoint-  
3    ment or engagement made within the same, be the  
4    second of either party, in such duel as is mentioned  
5    in the preceding section, and shall be present as a  
6    second when such mortal wound is inflicted, whereof  
7    death shall ensue within this State, shall be deemed  
8    to be an accessory before the fact to the crime of mur-  
9    der in the first degree in this State, and shall be pun-  
10   ished with death; and he may be indicted, tried and  
11   convicted, in the county where the death shall happen.

1    **SECT. 6.** Any person, indicted under either of the  
2    two preceding sections, may plead a former conviction  
3    or acquittal of the same offence, in any other State or  
4    country, and such plea, if admitted or established,

5 shall be a bar to all further or other proceedings  
6 against such person, for the same offence, within this  
7 State.

1   SECT. 7. The first, third, fourth and fifth sections  
2 of the one hundred and twenty-fifth chapter of the  
3 Revised Statutes are hereby repealed, as to all the  
4 crimes specified therein which shall be committed  
5 after this act shall take effect.



## Commonwealth of Massachusetts.

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In the year One Thousand Eight Hundred and Forty-Six.

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### AN ACT

Concerning the crime of Treason.

**BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1    **SECT. 1.** Every person who shall commit the crime  
2 of treason against this Commonwealth, shall be pun-  
3 ished for the same by imprisonment in the State Pris-  
4 on for life.

1    **SECT. 2.** The second section of the one hundred  
2 and twenty-fourth chapter of the Revised Statutes is  
3 hereby repealed, as to the crime of treason, whenever  
4 committed after this act shall take effect.

**Commonwealth of Massachusetts.**

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In the Year One Thousand Eight Hundred and Forty-Six.

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**AN ACT**

Concerning the crime of Rape.

**BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1    **SECT. 1.** If any person shall ravish and carnally  
2 know any female, of the age of ten years or more,  
3 by force and against her will, or shall unlawfully and  
4 carnally know and abuse any female child under the  
5 age of ten years, he shall be punished by imprison-  
6 ment in the State Prison for life.

1    **SECT. 2.** The eighteenth section of the one hun-  
2 dred and twenty-fifth chapter of the Revised Statutes  
3 is hereby repealed, as to the crime therein set forth,  
4 when committed after this act shall take effect.

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Six.

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### AN ACT

Concerning the crime of Arson.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1   SECT. 1. Every person who shall wilfully and ma-  
2   liciously burn, in the night time, the dwelling house of  
3   another, or shall, in the night time, wilfully and mali-  
4   ciously set fire to any other building, owned by him-  
5   self or another, by the burning whereof such dwelling  
6   house shall be burnt in the night time, shall be pun-  
7   ished by imprisonment in the State Prison for life.

1   SECT. 2. The first section of the one hundred and  
2   twenty-sixth chapter of the Revised Statutes is here-  
3   by repealed, as to the crimes therein set forth, when-  
4   ever committed after this act shall take effect.

## SENATE.....No. 59.

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### Commonwealth of Massachusetts.

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IN SENATE, March 7th, 1846.

The Committee on Mercantile Affairs and Insurance, to whom was referred the petition of B. V. French and others, for a grant of certain flats lying opposite to their wharves on Sea street, and between South Boston and the channel; and to whom was also referred the petition of the city of Boston, praying for a grant of the same flats,

### REPORT:

That the flats in question are of great extent, comprising, perhaps, one hundred and fifty acres, which are covered at every tide by the sea, with a body of water eight or nine feet in depth.

That the question, whether they can be appropriated with advantage to any purpose which shall exclude the tide, or give it a new direction, involves, in the opinion of this Committee, considerations of serious importance to the owners of adjacent property, to the preservation of the harbor, to the commerce of the city, and, therefore, in some degree, to that of the whole Union. The Committee think it probable that great changes can be made there advantageously to commerce and without

injury to navigation, furnishing accommodations to the shipping that have never been attempted in our ports. But skilful examination with sound judgment, appears necessary to decide what plans of improvement should be adopted, and how they can best be effected. The transient attention, which is all that a legislative Committee can bestow, in the multitude of affairs that require dispatch, is not sufficient for safe decision on matters of so extended interest; and they deem it unwise, as it is unnecessary, to present any plan for immediate adoption. Some general principles, however, which should govern future proceedings in respect to this property, seem to them to be obvious.

While individuals would, no doubt, offer large sums to obtain the control of these flats, as they would for that of a vast extent of other property resting in the Commonwealth, which lies between the limit of private right, near low-water mark, and the channels of harbors; all such property seems, in truth, to be held *in trust* for the whole country. It is withheld from the individuals on whose land it borders, solely for the security of navigation. If it be unnecessary for that, they seem to have the next and best right to it unburthened by payment, and as an appurtenance to the neighboring soil. If it be required for the purpose mentioned, then the interests of the public seem to demand that it should be used in such manner as will be most widely beneficial to commerce; and that it should, in no case, be made the subject of sale for pecuniary consideration, which must, in some shape, become a burthen imposed on navigation.

If the Commonwealth should part with this property, then, it would seem improper to transfer it to any party but such a one as would be a fit trustee for the interest most deeply concerned; to hold it, as it should be given, solely for the benefit of commerce, and never to be made a source of pecuniary gain.

The Committee believe, that the only fit agent for such a trust, if it should pass from the Commonwealth, would be the city of Boston; and that, if any improvement is to be made there, it can be more conveniently effected, while the outlay and risk would be more readily assumed by the authorities of the city than by the government of the State. They think,

too, that if a transfer should be made, it should be accompanied with the condition, that nothing beyond a remuneration for actual expenditure, should ever be drawn from the property.

In order that a thorough examination may be made of the subject, they report—that the several petitioners have leave to withdraw their petitions; and they recommend the adoption of the accompanying resolutions.

All which is respectfully submitted.

THOS. G. CARY, *Chairman.*

*March 6th, 1846.*

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Six.

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### RESOLVES

Relating to the Flats in Boston Harbor.

*Resolved*, 1st, That His Excellency the Governor be authorized and requested, with the advice and consent of the Council, to appoint commissioners, of competent science and judgment, to examine, during the recess of the Legislature, the position of the flats in the harbor of Boston, lying opposite to the wharves on Sea Street, and between South Boston and the channel, and to report to him whether it is best to attempt any improvement there for the benefit of commerce; and, if so, what plan would be most judicious.

2d. *Resolved*, That the Governor be authorized to draw his warrants on the treasurer of the State for the necessary expenses attending the inquiry; and, that if hereafter the said flats should be transferred by the Commonwealth, it shall be with the condition, among others, that all such expenses shall be repaid.

3d. *Resolved*, That the Governor be requested to communicate the result of such inquiry to the next Legislature.

# SENATE....No. 60.

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## Commonwealth of Massachusetts.

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IN SENATE, March 5, 1846.

The Committee on the Judiciary, to which was referred a bill "providing for a recompense to prosecutors and officers in certain cases," report that the same should pass, with the following amendments:—

1st. In the first section, on the second page, after the word "aforesaid," in the eleventh line from the top, insert the words following: "and also upon forfeiture, by persons prosecuted for any of the offences aforesaid, of any recognizance for their appearance to answer to the same."

2d. In the same section, after the word "had," in the thirteenth line, insert the words following: "or where the record of such recognizance may be."

3d. After the word Commonwealth, being the last word in the first section, add the words following: "provided that where recognizances are forfeited, as aforesaid, the amount to be paid in any case shall not exceed the amount received by the Commonwealth thereon."

For the Committee,

T. D. ELIOT.



**Commonwealth of Massachusetts.**

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In the Year One Thousand Eight Hundred and Forty-Six.

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**AN ACT**

Providing for a Recompense to Prosecutors and Officers  
in certain cases.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1   SECT. 1. Upon any conviction of the offence of  
2 forging, or making any false and counterfeit certificate,  
3 bill or note, in the similitude of any certificate, bill or  
4 note issued by the Treasurer of this Commonwealth,  
5 or any commissioner or other officer authorized by law  
6 to issue the same, for any debt of this Commonwealth,  
7 or any bank bill or promissory note, issued by or for  
8 any bank or banking company established in this State,  
9 or in any of the United States—or for the offence of  
10 counterfeiting any gold or silver coin, current by law  
11 or usage in this Commonwealth—or for the offence of

12 possessing, with intent to utter as true, or of know-  
13 ingly uttering, as true, any such false and counterfeit  
14 certificate, bill, note or coin, as aforesaid, and also  
15 upon any conviction of having in possession materials,  
16 tools, plates, dies, moulds, or implements designed and  
17 adapted for counterfeiting such coin and bank bills,  
18 purporting to be issued by such banks, as aforesaid,  
19 the court before which such conviction may be had,  
20 may order a meet recompense to the prosecutor, and  
21 also to the officer who has secured and kept the evi-  
22 dence of the offence—not exceeding their actual ex-  
23 penses, with a reasonable allowance for their time and  
24 trouble, to be paid by the county treasurer, and charged  
25 by him to the Commonwealth.

1     SECT. 2. In all cases of conviction of larceny, for-  
2 gery, or uttering forged bank bills or instruments in  
3 writing of any kind, or of uttering counterfeit coin,  
4 whenever the proceeds thereof are found in the pos-  
5 session of the offender, and can be ascertained or  
6 proved to be such proceeds, and are in the custody of  
7 the law, the court may order such proceeds to be de-  
8 livered to the injured party.

1     SECT. 3. This act shall take effect from and after  
2 its passage.

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HOUSE OF REPRESENTATIVES, Feb. 10, 1846.

Ordered to be engrossed. Sent up for concurrence.

C. W. STOREY, *Clerk*.



## SENATE....No. 61.

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### Commonwealth of Massachusetts.

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IN SENATE, March 9, 1846.

The Committee on Public Lands, to whom were referred certain papers communicated by the Governor, relating to the fund called the "Disputed Territory Fund," respectfully submit the following

### R E P O R T :

The 5th article of the Treaty of Washington provides "that a correct account of all receipts and payments on the said fund shall be delivered to the government of the United States, within six months after the ratification of this treaty; and the proportions of the amount due thereon to the States of Maine and Massachusetts, and any bonds and securities appertaining thereto, shall be paid and delivered over to the government of the United States; and the government of the United States agree to receive, for the use of, and pay over to the States of Maine and Massachusetts, their respective portions of said fund."

In pursuance of that stipulation, an account has been rendered by the authorities of the Province of New Brunswick, by which it appears that the receipts amount to £8705 6s. 4½d., and the expenditures to £4981 18s. 1d., leaving a balance of £3723 8s. 3½d. These expenses were incurred in consequence

of depredations committed by inhabitants of that Province upon territory within the limits of the United States. The forests of Maine were cut down and carried into a Province of England. The robbery was committed by English subjects; and English authorities affect to believe that they have made reparation for the injury, by recovering the property stolen, selling it, retaining in their possession more than one half of the price for which it was sold, and signifying a willingness to pay over the remainder to the government of the United States. That the expenses are accurately stated in the account, the Committee have no doubt; but that they ought to constitute a charge upon the Disputed Territory Fund, they do not admit. Such a charge may not be at variance with the words of the fifth article, but it cannot consist with the declared original design of the fund, nor with the recorded terms on which the State of Maine assented to the treaty. Her assent was obtained upon the following among other conditions:—"That the *amount* of the 'Disputed Territory Fund,' (so called,) received by the authorities of New Brunswick, for timber cut on the Disputed Territory, shall be paid over to the United States, for the use of Maine and Massachusetts, in full, and a particular account rendered; or a gross sum, to be agreed upon by the commissioners of Maine and Massachusetts, shall be paid by Great Britain, as a settlement of that fund; and all claims, bonds and securities, taken for timber cut upon the territory, be transferred to the authorities of Maine and Massachusetts."

The Committee are of opinion, that the fifth article of the treaty was designed to apply, not to the net, but the gross receipts, subject to no deduction except for charges strictly incidental. This construction is justified by a remark said to have been made by Lord Ashburton, at the time the fund was a subject of negotiation. The statement appears authentic, that on learning from the warden of the territory, that the fund was nearly exhausted by the expenditures, his lordship, in a manner that was animated and significant, expressed the greatest surprise that such disbursements should be made a charge upon the property of a foreign government.

There is another claim against the British Government, of

no inconsiderable magnitude, and although it is not provided for by the Treaty, the Committee are convinced that it is strictly just, and cannot doubt that it may be urged with success. It seems that, for several years before 1829, when the Disputed Territory Fund was established, the authorities of New Brunswick were in the habit of granting permits to cut down and take away timber from the Disputed Territory. At what time this practice began, and for what period it prevailed, the Committee are not informed; but that a considerable revenue accrued from it to the treasury of the Province, or of the Crown, they are well assured. That vast quantities of timber were carried off, is notorious. In one year, that of 1824, more than 30,000 tons were cut down and removed. These are facts which the Provincial authorities are unable to deny, and perhaps not unwilling to acknowledge.

The Committee are of opinion, that to the entire amount, with the exception of incidental expenses, which at any time has been received into the Crown or Provincial treasury, from the sale of, or permits to cut down timber, the growth of our own territory, we may justly assert a claim of right.

They recommend the passage of the accompanying Resolves.

For the Committee,

EDM. KIMBALL, JR., *Chairman.*

## **Commonwealth of Massachusetts.**

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In the Year One Thousand Eight Hundred and Forty-Six.

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### **RESOLVES**

**Relating to an Account rendered under the Fifth Article of the Treaty of Washington.**

*Resolved*, That the Governor be authorized and requested to take such measures as, in his judgment, the interests of the Commonwealth shall require, in regard to the account rendered by the authorities of the Province of New Brunswick, under the fifth article of the Treaty of Washington; and further, to apply to the proper department of the Federal Government for its interposition to procure from the said authorities a detailed statement of all moneys received prior to one thousand eight hundred and twenty-nine, into the treasury of the said Province, or of the Crown, from the sale of, or permits to cut down timber, the product of the Disputed Territory.

*Resolved*, That the Governor be requested to transmit a copy of the foregoing resolution to the Governor of the State of Maine.

## SENATE.....No. 62.

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### Commonwealth of Massachusetts.

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The Committee on Railways and Canals, to whom was referred the petition of Gershom B. Weston and others, praying for a charter to construct a rail-road from Duxbury to Quincy, have duly considered the same and

### REPORT:

This case being intimately connected with three others, your Committee have considered them together—and, in reporting upon this, give the reasons for their conclusions in respect to the others.

The petition prays for a charter to construct a rail-road branching from the Old Colony Rail-road at Quincy, and passing through Braintree and Weymouth, by Weymouth landing, and East Weymouth, and through Hingham, Cohasset, Scituate and Marshfield to Duxbury, a distance of 28.44 miles, at an estimated cost of \$500,000.

Laban Souther and others, pray for a charter to build a road from Cohasset to Quincy upon substantially the same route with the former, between those two points; and are willing, in case the charter is granted to Weston and others, to waive their claim. We accordingly report that they have leave to withdraw.



Christopher Webb and others, pray for leave to construct a road from East Weymouth to Quincy. But the road prayed for by Weston and others, will accommodate them equally as well, and they are willing to withdraw, if a charter is granted to Weston and others.

Paul Pratt and others, ask a charter for a road from Cohasset to Quincy. The route is very nearly the same with that of Weston and others, from Cohasset to Hingham. It passes through Hingham, a distance of eighty-five rods only, northerly of Weston's, and taking a more direct and straighter route to Quincy—10.43 miles—at an estimated cost of \$213,500; and at Quincy, like the Weston route, makes a junction with the Old Colony Rail-road.

Both routes shew a case of public exigency for a road between their termini respectively, feasible grades, moderate expense, clear public utility, a fair probability of being constructed, and safe though not very lucrative investment.

To either, if applied for alone, a charter would be granted. But it is equally clear that there is no public exigency for two rail-roads from Cohasset to Quincy, and that two could not be supported. The chief question which has occupied the Committee has been, therefore, a decision between these two routes.

On behalf of Pratt and others, it was claimed and maintained with much zeal and ability, that theirs was the shortest, most direct, and most profitable to the stockholders. These claims the Committee find to be true.

They also contended, that their route was more feasible and less expensive than the other between the same termini; and upon this point much evidence was exhibited on both sides.

The Committee are of opinion, without deciding upon very minute details of expense, that there is no such material difference on this head, as should influence their decision. The Weston route is from one and a quarter to one and a half mile longer, according to the point at which it joins the Old Colony Road in Quincy, and making a difference in the distance to Boston of about one mile. With this additional distance, the construction cost would, probably, be greater. But the other route has two bridges to keep in repair and two draws to tend.

A reasonable allowance for these expenses would, probably, make the joint account of interest and maintenance on this road, very nearly equal to that of Weston and others.

It was further contended, that the saving of time and running cost on the shorter route, were considerations of weight in the comparison, and should give it preference.

This is doubtless true, other things being equal. It would have more weight if the road was a part of a long line and very great travel. This road cannot be extended beyond Duxbury, and a slight change of direction, to accommodate the local business, is made with less sacrifice of the greater public interests of the whole road. A comparison of the local business of the two routes seems to the Committee to justify, in this case, the departure from the direct route.

On behalf of Pratt and others, it was further contended, that their road would be immediately built, and they had apprehensions that the other would either not be constructed, or would be delayed a long time; and they were willing to take a charter with the condition that the road should be completed in one year, and with a further proviso that Weston and others, if they constructed the road from Cohasset to Duxbury, might, at any time within five years take their road from Cohasset to Quincy at cost and simple interest to that date.

These propositions are fair and liberal. But having come to the conclusion that the petition of Weston and others had preferable claims upon other public considerations, it seemed just that they should be permitted to superintend its construction, and the expenditure of their own money; and that a reasonable time be allowed them therefor.

But that the people of Hingham and Cohasset should not incur the hazard of unreasonable delay, the bill herewith reported provides, that the portion of the road between Cohasset and Quincy, be constructed within two years from the first day of May next.

On behalf of Pratt and others, it was further urged that their route, lying near the shore, gave better accommodation to the large amount of pleasure travelling, for summer residence to Cohasset and Quincy; and would on that account be more

successful in the competition which it would encounter, in the easy water communication between those towns and Boston.

But it appeared that the two stations in Cohasset would be essentially the same, and at Hingham the lines would be only eighty-five rods distant. The Committee cannot think this difference essential to that class of travellers.

The considerations which give a preference to the petition of Weston and others, over that of Pratt and others, are—

1st. It is a longer route and will afford a greater amount of public accommodation. It embraces in its range of accommodation the towns of Duxbury, Marshfield, Scituate, and a part of Pembroke, not reached by that of Pratt and others. The business, character, habits and employment of the inhabitants of the south shore, give occasion to a very large amount of travel to Boston, and rail-road facilities are beneficial to them in a corresponding degree. This road will open to pleasure travelling in the summer, easy access to several towns beyond Cohasset, and open better or more accessible markets to a large amount of valuable products. The petitioners who offered to give this great amount of public benefit over the less profitable route, seem entitled to the preference in their application for the more profitable line between Cohasset and Quincy.

2d. On more general principles, we think one continuous road should be preferred to the several subdivisions of the same line.

3d. Besides these considerations, having reference to the whole line to Duxbury, there are others found in the comparison of the two coterminous routes between Cohasset and Quincy, equally tending to give a preference to Weston's route.

The Weston route runs more centrally in reference to the local population and business of Braintree and Weymouth, and in the construction of such a road their accommodation has higher claims than the pleasure travel of only a part of the year. Two important villages, East Weymouth and Weymouth Landing, lie on the Weston route, with a population and business much greater than the villages of Old Spain and Quincy Point, on the Pratt route.

Weymouth Landing, especially, has excellent water for ship-

ping, and a large and increasing coasting business and interior trade.

In another highly important particular, the southerly route is preferable. The northerly, in taking a more direct course, passes Fore and Back Rivers, crossing navigable waters of no inconsiderable value.

Fore River has, at the head of its navigation, Weymouth Landing, and it was proved that three thousand passages annually were made through the draw-bridge of the turnpike over that river.

The route of Pratt and others, by impeding navigation, seems to the Committee, to do a public injury, which would deduct largely from its public benefits.

Minot Thayer, Esq., appeared on behalf of the Braintree and Weymouth Turnpike Company, of which he is President and principal proprietor, in remonstrance. The Committee feel great regret, that they have not been able, in the general policy and principles that have governed the legislation of this Commonwealth, to find grounds upon which they could provide an indemnity against the damage which the road will do to the said proprietors.

That road was undertaken for public purposes, at an expense of about \$50,000—has been greatly beneficial to the public, and has not paid an adequate remuneration to its proprietors.

Prior to the construction of the Old Colony Rail-road, it was nevertheless a valuable property. By that rail-road its value was impaired more than one-half; and the construction of this road will probably complete its destruction, as a source of profit.

But though this case may be one of peculiar hardship, it is too late to seek to establish in this Commonwealth the principle of compensation for damages of that nature. And though the Committee are pained that the highly respectable and meritorious proprietors of that road should suffer, they cannot find in this case cause for withholding a great public accommodation.

Your Committee, therefore, report the accompanying bill.

By order of the Committee.

THOS. HOPKINSON, *Chairman.*

**Commonwealth of Massachusetts.**

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In the Year One Thousand Eight Hundred and Forty-Six.

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**AN ACT**

To incorporate the South Shore Rail-road Company.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1 SECTION 1. Gershom B. Weston, William H.  
2 Sampson, and John Hicks, their associates and suc-  
3 cessors, are hereby made a corporation, by the name  
4 of the South Shore Rail-road Company, with all the  
5 powers and privileges, and subject to all the duties,  
6 restrictions and liabilities, set forth in the forty-  
7 fourth chapter of the Revised Statutes, and in that  
8 part of the thirty-ninth chapter of said statutes,  
9 which relates to rail-road corporations, and in the  
10 several statutes which have been or may be passed,  
11 relating to such corporations.

1 SECT. 2. The said company may construct a rail-  
2 road, commencing at the most convenient point, at  
3 or near the depot of the Old Colony Rail-road, in  
4 Quincy, and thence in the most eligible route  
5 through the northerly part of the town of Braintree,  
6 and thence through the town of Weymouth, by Wey-

7 mouth landing, and East Weymouth to the town of  
8 Hingham, and thence through the towns of Hingham,  
9 Cohasset, Scituate, and Marshfield, to a convenient  
10 point in the town of Duxbury—pursuing the courses  
11 laid down in the surveyor's reports and plans, filed  
12 with the petition as nearly as conveniently may be,  
13 excepting at the point of junction in Quincy: *pro-*  
14 *vided, however,* that the said road shall not cross any  
15 navigable waters in said towns of Weymouth, East  
16 Weymouth, or Weymouth landing.

1 SECT. 3. The capital stock of said company shall  
2 not exceed six hundred thousand dollars, and shall  
3 be divided into shares of one hundred dollars each,  
4 and no assessments shall be laid exceeding in the  
5 whole one hundred dollars on each share; and said  
6 corporation may invest and hold such part thereof,  
7 in real estate, as may be necessary and convenient  
8 for the purposes of their incorporation.

1 SECT. 4. The Legislature may, after the expira-  
2 tion of four years from the time when the said rail-  
3 road shall be opened for use, from time to time, alter  
4 or reduce the rate of tolls, or other profits upon said  
5 road; but the said tolls shall not, without the con-  
6 sent of said corporation, be so reduced, as to pro-  
7 duce with said profits less than ten per centum per  
8 annum.

1 SECT. 5. If said corporation be not organized,  
2 and the location of their road filed within one year,  
3 and the portion of the road from Quincy to Cohas-  
4 set, be not completed, within two years from the  
5 first of May next, ensuing, and the road from Cohas-  
6 set to Duxbury, be not completed within three years  
7 from said last named date, then this act shall be void.

1 SECT. 6. The said corporation is hereby author-

2 ized to enter with their rail-road, by proper turnouts  
3 and switches, on such point of the Old Colony Rail-  
4 road, at or near to their present depot in Quincy, as  
5 may be most eligible, paying for the right to use the  
6 same and the said depot, such rate of tolls, or com-  
7 pensation, as may be determined by the agents of  
8 said companies or as the Legislature may, from time  
9 to time, prescribe, and complying with such reason-  
10 able rules and regulations as may be established by  
11 the said Old Colony Rail-road Corporation: *provided*,  
12 *however*, that the said company shall not enter upon  
13 the road of the said Old Colony Rail-road Corpora-  
14 tion with any motive power, unless the last named  
15 corporation shall refuse or neglect to draw over their  
16 road the cars of the said South Shore Rail-road  
17 Company, upon such terms and conditions as may,  
18 from time to time, be prescribed by the Legislature.

1 SECT. 7. The Legislature may authorize any  
2 rail-road corporation to enter with another rail-road  
3 at any point of the South Shore Rail-road, and use  
4 the same, or any part thereof, paying therefor such a  
5 rate of toll, or compensation, as the Legislature  
6 may, from time to time, prescribe, or that may be  
7 ordained under the provisions of any general laws of  
8 this Commonwealth, complying with such reasona-  
9 ble rules and regulations as may be established by  
10 said South Shore Rail-road Company: *provided*,  
11 *however*, that no other corporation shall enter upon  
12 said South Shore Rail-road with any motive power,  
13 unless the said South Shore Rail-road Company shall  
14 refuse to draw over their road, or any part thereof,  
15 the cars of any other railway corporation which may  
16 be authorized to enter with their rail-road upon the  
17 said South Shore Rail-road.

## SENATE....No. 63.

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### Commonwealth of Massachusetts.

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IN SENATE, March 11, 1846.

The Committee on Claims, to whom was recommitted the resolve on the petition of David Fairbanks, with "instructions to report the facts in the case," have heard the petitioner under oath, and append hereto a statement of his testimony.

The account of the causes which prevented the petitioner from performing his duty according to the provisions of law, in the single particular of time, and the entire absence of any thing like carelessness or neglect on his part, have confirmed the Committee in the opinion before expressed, in favor of the passage of the resolve. Such remissions have never been refused, and the cases are so unfrequent as to warrant the belief that the lenity of the Commonwealth has never been the cause of any delinquency.

All of which is respectfully submitted.

JAMES P. WHITNEY, *Chairman.*



IN COMMITTEE ON CLAIMS, Feb. 26, 1846.

Appeared, David Fairbanks, of Provincetown, and having been duly sworn, stated—

That he is Secretary of the Union Insurance Company of Provincetown, and that the petition under consideration is his petition. That he has held the office of secretary of said company, for the last five years; has never been fined for non-compliance with the provisions of law before. He receives for a remuneration for his services as secretary, fifty-cents on each policy of insurance issued by the company, and has no other pay or perquisite whatever; that for the five years he has held that office, the largest annual income he has received for performing the duties required of him, is *ninety-two dollars and fifty cents*, and the smallest annual income, is *sixty-five dollars and fifty cents*.

He is also agent for the Union Wharf Corporation of Provincetown, a trading corporation established by law. For his services as agent of this corporation, he receives an annual salary of *three hundred and seventy-five dollars*.

These two offices are held by him, and their respective duties performed by the consent and desire of the parties interested in said corporations.

In November, 1845, it became necessary for him, as agent of the Union Wharf Corporation, to visit Boston, New York and Philadelphia; and previous to leaving home, he made up the annual insurance return of the Union Insurance Company to the date of his leaving; could not complete it, because the law requires that it should embrace all the business of the office to the first day of December.

He left Provincetown on the twenty-third of November, in a sailing packet, and arrived in Boston on the morning of the twenty-fourth. Having attended to the business of the company in Boston, he left on the twenty-sixth, in the cars for New York; but owing to the severity of the storm, he did not think it prudent to cross the Sound, and staid over night at Mansfield.

On the twenty-seventh, proceeded to New York via Stonington, where he arrived on the morning of the twenty-eighth. He was expecting a vessel in that city, which, not having arrived, he waited till the morning of the thirtieth, on which he left for Philadelphia, arriving in that city at about 11 o'clock, A. M. of the same day. The day was a very stormy one, and the state of the streets very bad; nevertheless, he attended to his business, and returned in the evening train of the same day to New York, where he arrived at about midnight. He took a severe cold in Philadelphia, and, on the morning of the first of December, found himself so sick, that having called on his merchant, and found that his vessel had not arrived, he thought it prudent to keep in the house the remainder of the day. On the second of December, was out to inquire after his vessel two or three times; but she not arriving, and his indisposition being still severe, he confined himself, with the exception named, all that day. On the third inst., his vessel arrived. He was occupied all the third and fourth in finding a suitable berth to lay her at the wharf for discharging. On the fifth, he sold a portion of her cargo, which was dry fish, and, on the sixth, sold the balance. He was occupied from the time of the first sale on the fifth, till about 11 o'clock on the eleventh, in taking account of the cargo discharging, and in purchasing return freight, except, that being so indisposed a part of the time, he was obliged to employ assistance in delivering the cargo, and an agent to buy a part of the return freight; had determined to leave New York on the tenth, but was suffering from a severe sore throat, and did not think it safe to do so. On the eleventh of December, at 4½ o'clock, P. M., left New York, and arrived in Boston in the cars at about 7½ o'clock, on the morning of the twelfth, having left New York before the vessel was loaded. On arriving in Boston, he went immediately to City Wharf, where a vessel lay which had waited for him from the previous evening, and was to sail at eleven o'clock, A. M.; he put his baggage on board of her at once. At eleven o'clock, the wind was unfavorable, being east, and the ice in the harbor, which otherwise, might have gone out with the tide, prevented the vessel's sailing. The vessel was wind-bound several days;

but, on the 15th, finding that the captain did not judge it safe to leave port, he went on board another vessel, which got under way about 10 o'clock, A. M. Proceeded on the voyage about half way to Provincetown, when the vessel encountered a severe gale, and was compelled to put back, and anchored under the lee of George's Island.

Remained at anchor till about two o'clock P. M. on the 16th, when the captain again made sail, and after a severe passage arrived off the harbor of Provincetown, about 9 o'clock same night, but owing to the gale, the vessel could not land her passengers till about half past ten o'clock on the morning of the seventeenth.

Petitioner was still sick, but, on the day of his arrival at his home, he immediately completed the insurance return, which he had commenced before he left, and which had never been forgotten or willingly omitted by him. As soon as the return was completed, he proceeded at once to have it signed and sworn to, in due form, and deposited it in the post office in Provincetown, *within ten minutes* of the time when it was properly executed according to law.

There had been a heavy fall of snow, however, and the mails which leave Provincetown on the morning of Tuesday, Thursday and Saturday, became irregular, none either arriving or departing for several days, on account of the state of the roads, so that the return was delayed several days on this account, after it was deposited in the office. It arrived in season to be printed in the published insurance abstracts of 1845, in every respect like other insurance returns. He received a communication from the State Treasurer, bearing date of January 17th, 1846, informing him of the penalty he had incurred, and, on the 3d of February, he paid to the Treasurer *one hundred dollars*, by the hand of Mr. Gifford, the member of the House from Provincetown. If the weather had not detained him in Boston, where he arrived on the morning of the twelfth of December, he would have had ample time to have made his return within the legal time, though it had always been his intention to have been in Provincetown several days earlier than that, and should have done so, but for delays and sick-

ness in New York, which were matters entirely beyond his control. The sum of one hundred dollars paid to the State Treasurer, is the amount he prays to have returned to him by a resolve.

Boston, Feb. 28th, 1846. I, David Fairbanks, of Provincetown, having read the foregoing testimony, given by me under oath, on the twenty-sixth instant, before the Committee on Claims, hereby certify that it is true and correct, to the best of my knowledge and belief.

DAVID FAIRBANKS.

Before me, JAMES P. WHITNEY,  
*Chairman of Committee on Claims.*

**Commonwealth of Massachusetts.**

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In the Year One Thousand Eight Hundred and Forty-Six.

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**RESOLVE**

On the Petition of David Fairbanks, of Provincetown.

*Resolved*, for reasons set forth in the petition, that there be paid, out of the treasury of the Commonwealth, to David Fairbanks, Secretary of the Union Insurance Company in Provincetown, the sum of one hundred dollars, in full remission of the penalty incurred by him by failing to make the return of said insurance company within the time specified, and that the Governor draw his warrant therefor accordingly.





## SENATE.....No. 64.

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### MESSAGE.

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*To the Honorable House of Representatives :—*

Agreeably to a provision of the Resolves of 1845, chap. 109, I herewith transmit to the honorable House, for the information and use of the Legislature, the Report of the Commissioners appointed by virtue of said Resolves, for the survey of South Bay, Charles River, and Mystic River and Pond, together with the plans illustrating the same.

GEO. N. BRIGGS.

COUNCIL CHAMBER, *March 12th*, 1846.



Boston, March 11th, 1846.

*To His Excellency, GEORGE N. BRIGGS,  
Governor of the Commonwealth of Massachusetts :*

SIR,—The undersigned, Commissioners by your Excellency's appointment, under a resolve of the Legislature passed March 22d, A. D. 1845, "to take or cause to be taken, as soon as practicable, accurate surveys of South Bay, Charles River, and Mystic River and Pond; (above and beyond the limits prescribed to Commissioners heretofore appointed for the survey of Boston Harbor, under a resolve passed on the fifth day of March, in the year one thousand eight hundred and thirty-five,) to extend to the head of tide water on each, and embrace the marshes and flats which are overflowed by the spring tides in either; for the security of the said rivers and bay, as reservoirs essential to the continuance and capacity of Boston Harbor for commercial purposes, as well as the facilities of inland navigation and ship-building, now afforded by said rivers or either of them," with directions to "report how far, and to what extent, if any, the said bay and rivers, or either of them, may be curtailed or diminished without endangering the Harbor of Boston, and greatly impairing the advantages of navigation and ship-building on said rivers:" also "to report if there be any means whereby the capacity and beneficial action of said reservoirs upon the harbor, may be enlarged and increased;" having given the public notice required by the resolve, met for the purpose of hearing the suggestions of citizens in relation to the subject; and, having considered the same, we appointed Mr. Henry Bacon, in whose skill and accuracy we have great confidence,—with competent assistants, to execute, under our direction and superintendence, the field work required by our commission.

The work performed under this commission, has been to make a careful hydrographic survey of the bay, the rivers,

and the pond mentioned in the resolve; to ascertain their horizontal dimensions and relations; the extent and character of their channels; the amount of marsh land overflowed by spring tides on their borders; and the height and scope of the tides in these estuaries, compared with the same at the head of the main channel of this harbor.

Of these surveys, plans or charts have been constructed, showing the width and courses of the rivers; the extent of flats; and the position, width, and depth of the channels; together with the extent of marsh land on their borders, and overflowed by the tide at high water. They also show the position and extent of wharves and other fixtures in these bays and rivers. These drawings are herewith submitted, and make a part of this report.

Besides this, the undersigned have made observations on the flow of the tides in these rivers, with a view to some approximation to the effect of the various fixtures, (such as bridges and wharves,) on the flux and reflux of the tide waters through these channels.

#### *South Bay.*

The Commissioners find that the area of South Bay,—above the old South Boston Bridge,—is at present 345 acres. This area is about 75 or 80 acres larger than formerly, the bordering marsh land having been excavated for the purpose of filling up the South Cove and other neighboring flats. And 196 acres of marsh still remains connected with this bay. The channel above this bridge, is of small dimensions at low water, being nowhere more than 300 feet wide; and, except in the neighborhood of the bridge, not generally more than 100 feet in width. Of these 345 acres, from 250 to 300 are liable to be filled up by their owners, and will undoubtedly be so filled, to the entire exclusion of the tide. There are contracts already existing for enclosing, this very year, some 40 acres of these flats, with half as many acres of marsh, with a view to filling them up some feet above high water mark: as the demand in that neighborhood for building ground increases, other proprietors of flats will undoubtedly do the same; and, not many

years hence, this bay will probably be reduced to one quarter of its present area.

With a proper disposition of the channels and flats below, it is believed that this reduction of the area of South Bay, will have no prejudicial effect on the main channel of the harbor. If the flats east of Fore or Fort Point Channel were placed in the custody of some responsible agency,—to be filled up or otherwise disposed of with an intelligent view to the *improvement* of commercial accommodation in the port of Boston,—there is no doubt that they can be so disposed of, as that the entire extinction of South Bay, as a part of the scouring apparatus of the main channel, would be no detriment to the harbor. The true principle is, to preserve a proper balance between the capacity of the channel and the area of the tidal rivers and bays above, to be filled and emptied twice every 24 hours through this channel. In the present state of things, Fort Point Channel would undoubtedly suffer by a very great reduction of the capacity of South Bay; but if the wall which was proposed to be built on its eastern margin, were erected, it would counteract to a great degree the inconvenient effect of such reduction.

#### *Mystic River.*

The area of Mystic River above Chelsea Bridge, is 878 acres; the area of marshes adjacent, is 1,533 acres; and, if we add to these the area of Mystic Pond, which is 228 acres, we have, for the whole area within the banks, 1,106 acres; and, when the tides are high enough to cover the whole of the marshes, the water surface above Chelsea Bridge is 2,639 acres. It should be remarked, however, that at *neap tides* there is no flood tide setting into Mystic Pond. The bottom of the channel at the outlet, is near the level of high water at these tides, and being composed of a coarse and compact gravel, is not worn away by the action of the water, and, consequently, is not in a situation to receive the tide water at neap tides. If it should be found desirable to employ a greater scouring power in this river, the channel at the outlet might be enlarged at a comparatively small expense, to the size of the river half a mile be-

low. Whether the owners of the outlet, and those interested in the navigation of the river, have a right to change the character of Mystic Pond, as it would be by opening such a channel, is not the province of this commission to determine. The pond is in two divisions, which are not very different in area, and which are united by a strait which is fordable in all states of the water. The lower division of this pond is somewhat brackish. It receives the water from the river below at high water at spring tides—which water is diluted by being mingled with the waters discharged from the pond; yet, notwithstanding its freshened character, it is heavier than the waters of the pond, and occupies the lowest place. On the return of the tide, the top water is discharged from the pond; so that the southern division has become permanently brackish, notwithstanding the perpetual influx of fresh water from the river above. If the channel at the present outlet were to be enlarged, so as to give the same freedom of influx and efflux, here as in the river below, this southern division of the pond would soon be very much like the river below as to the character of its waters; and the same process which is now constantly going on at the outlet, would be daily taking place at the *narrows*, or whatever the strait is called which divides the pond,—and the whole pond would, probably, in a few years, become entirely unfit for any other use than that of a basin to receive and discharge the tides of the river.

Aside from the damage that such a change in the waters of this pond would do the bordering estates, we are not quite satisfied that such an experiment is altogether desirable in itself. The velocity of the currents in the various parts of the river, would be variously increased by the change, and in some parts to a very inconvenient extent. If the channel in the upper section of the river, and into the pond could be so enlarged that the whole pond would be discharged and filled by every ebb and flood—as the river itself is now—the amount of water passing Chelsea Bridge in ordinary tides, would be increased 25 *per cent.* The quantity passing Malden Bridge would be increased 47 *per cent.*; the increase at the rail-road bridge would be 73 *per cent.*; at Ten Hills Farm the quantity passing

would be doubled ; and at the mouth of the river proper—at the spur of Winter Hill—120 per cent. more water would pass each tide than does at present. That this additional quantity of water should pass, each tide, *through the present channel*, it would require the average velocity of the current in these various places, to be increased in the *same ratio*. Suppose that the average velocity of the current at half tide, at the Boston and Maine Rail-road Bridge, to be now 4 feet per second ; by making the change proposed, the current at the same place, (on the supposition that the pond is emptied and filled each tide through the present channel,) must be 7 feet per second. Or, suppose that at half flood now, in a given tide, the average velocity at the narrows, the spur of Winter Hill, is 5 feet per second—it would, in the case supposed, become 11 feet per second. And in any section of the river higher up, the change would be proportionally greater. The bottom and sides of the present channel are not adapted to this changed state of the current. Portions of the bed and banks of the river, which have hitherto resisted the action of the water, would yield to this increased action, and incalculable changes in the channel itself would be the consequence.

We are of opinion, however, that, if this experiment were tried, the results above stated would not be realized to their full extent—as, in the present state of the channel, the pond would not be filled and discharged to the present compass of the tides in the river—and, consequently, the actual velocity of the current would not be as great as is stated in the above hypothesis. But the velocity of the current must be very much increased by such an addition to the capacity of the reservoir ; and probably, large portions of the present bed and banks of the river would be removed from the narrower parts, and carried down and deposited in the wider parts below the Ten Hills Farm. The river in this part being eight or ten times as wide as it is at the narrows, and above, the velocity of the current on the ebb, is, of course, deadened by the expanded character of the channel ; and the marsh mud and other material which the current, in its increased velocity, may be able to carry with it, will be deposited, and the formation of a shoal or bar, be

the undoubted result. This process would go on till the river had acquired a *permanent state*; that is, till the capacity of the channel should be so enlarged, and (for the same reason) the velocity of the current should be so diminished, that the sides and bed of the river would be able to resist the further action of the water.

The present imperfect character of Mystic River as a navigable stream, results rather from its narrow and serpentine channel in the part above the Ten Hills Farm—its sudden expansion into a broad bay immediately below the Ten Hills, and the great number and irregularity of its channels between the narrows and Malden Bridge; an amount of channel altogether too great to be maintained by the quantity of water passing up and down at the flux and reflux of the tide. The Commissioners have no doubt that the character of this river for navigation and ship-building may be improved beyond its present or any former state, by straightening its channel above the narrows, giving a more uniform width to the same, and a more uniform character to the bottom; by straightening the principal channel above the bridge of the Boston and Maine Rail-road—by shutting up the subsidiary channels, and by protecting the main channel by *rubble* or *rip rap*, in places where there shall be any tendency to inconvenient change. These experiments have been tried with complete success in some of the tidal rivers of Great Britain, and under circumstances very analogous to those of Mystic River.

If it should be found, after straightening this river above the narrows, and giving a uniform character to the channel, that the *scour* was insufficient to keep it clean, it may then be well to enlarge or deepen the channel at the outlet of Mystic Pond, so as to give an increased action to the tides. But it seems to us an experiment of doubtful advantage and of certain hazard, to open the whole capacity of that pond as a scour to the river, in the present state of its channel. If, however, the channel of the river above the Ten Hills Farm could be made straight and considerably enlarged, so as to obviate the danger of abrasion to its banks from the increased quantity of water, then the opening of Mystic Pond, as a subsidiary to this great estuary,

would tend to keep the channel of Mystic River clear without doing any damage to the channel below.

There is no evidence of the falling off of the tides in this river. The average height of high water at the bridge in Medford village, over that at the Navy Yard, as ascertained by the observation of about 40 tides, between the 10th of October, and the 17th of November, 1845, is 0.3 of a foot. The average height of the water at low water, is 1.1 feet higher at the bridge in Medford village, than it is at the Navy Yard; so that the average scope of the tides, or the average difference between high and low water at Medford Bridge, is only 0.8 of a foot, about  $9\frac{1}{2}$  inches less than the average compass of the tides at the head of the inner harbor. But that this diminished compass of the tides at Medford does not result from any *artificial* obstructions placed in the river between Charlestown and Medford, is abundantly proved by the tidal observations to which we have before referred; and the results of these observations agree entirely with those of a series of observations on the tides in Charles River, made in the year 1837, by two of the Commissioners who had been charged with the survey of the harbor, the report of which was made in January of that year. This want of compass in the tides results entirely from *the want of sufficient depth of channel in the river above the narrows*. Up to this point, the *average* difference between high and low water, is *three inches* greater than it is at the Navy Yard. And in every instance in which the height of low water at the Navy Yard is 13 feet, or less than 13 feet below the coping of the *dry dock*, low water at Medford is several inches lower than it is at Charlestown. The bed of the river at Medford, as will be seen by referring to the chart, is about 8 feet higher than the average height of the same between the narrows and Malden Bridge. The bed of the river below the narrows, is about 23 feet below the coping of the dry dock; and the bottom of the channel at Medford Bridge, is only 15 feet below; so that, in those tides which give low water  $13\frac{1}{4}$  feet at Medford, there is a depth of water in the channel at that place of only  $1\frac{1}{2}$  feet; and this of a diminished width along the thread of the stream. And it is to be observed, that these oc-

casions occur at spring tides, when there is a large amount of water backed into the Fresh Pond meadows, besides the quantity thrown into Mystic Pond at high water, all to be drawn off at the ebb, through the imperfect channel of the river.

The above facts leave us no room to doubt that, if the channel of this river between the narrows and Mystic Pond, could be straightened and deepened as we have stated, a proportional quantity of Mystic Pond opened as a *scour*,—and the channels between the narrows and Malden Bridge, brought into (and confined to) one straight channel, the navigation of this river would be much improved, and would be likely to retain its improved character. And, if the said channel above the narrows should be so enlarged as to justify the opening of the whole of Mystic Pond for the purpose of increasing the *scour*, the operation would be beneficial to the channel of Mystic River throughout its whole extent, and also to the main channel of the harbor.

#### *Charles River.*

The area of Charles River above Charles River Bridge, within its banks, including Miller's River, (the estuary back of East Cambridge,) and the bay back of the State Prison, is, in all, 1,340 acres. The amount of marsh land connected with it, and overflowed at spring tides, is 915 acres.

That part of Charles River between Warren Bridge and the Brookline branch of the Mill Dam road, and which, for the sake of distinction, we call *Cambridge Bay*, has a deep and spacious channel as far up as the cross dam of the Boston Water Power Company. From thence to the mouth of the river proper, which is about half a mile, there are shoals which have been caused, undoubtedly, by the diminished current, occasioned by the sudden expansion of the river at that place, into the broad bay above mentioned. From the Charles River Bridge to a point about 1,000 feet southwesterly of West Boston Bridge, there is from 15 to 20 feet of water in the channel at low water—and, in many places, a greater depth; but from the last mentioned point to the *Cross Dam* before mentioned, the channel shoals away; and thence to the mouth of the river proper,



it is broken, and has not more than 3 or 4 feet of water at low water.

From this point upwards, Charles River has a much better channel than Mystic River. It has, in the neighborhood of its mouth, from 10 to 15 feet of water at low water. And it maintains a much greater regularity in its character, quite up to the head of tide water, than does the corresponding part of Mystic River. The average height of high water at the bridge near the Old Village in Cambridge,—which has been always called "*Cambridge Bridge*," and which was long the only bridge over the channel of Charles River below Watertown, (there are now eleven,) is 2 inches; and that at the bridge near the arsenal in Watertown, is 4 inches higher than high water at the Navy Yard. And the average compass of the tides in this river, is very nearly the same that it is at Charlestown. The bar or shoal at the head of Cambridge Bay, the mouth of the river proper, is the principal impediment to navigation. The most feasible way of removing this is by the dredging machine.

The importance of this river and bay, and that of the Mystic to the preservation of the main channel, down to the islands, are altogether incalculable. They are the two main arteries which literally supply the life current of Boston Harbor. And the Commissioners would respectfully recommend to the Legislature the preservation of these estuaries, to the greatest extent that may be consistent with the rights of individual proprietors of bordering estates.

If the modern construction of the colonial law of 1641, that "the riparian proprietor has a right to exclude the tide water from the flats in front of his estate, to the distance of one hundred rods, if there be no intervening channel;" if this modern construction of the law must prevail, then Boston Harbor is in danger of serious injury. This subject is one which commends itself to the careful consideration of the Legislature. The whole State has an interest in it. The preservation of Boston, as a place of trade, of commerce, of ships,—is every year increasing in importance to the whole northern section of the country. Every part of New England has its rail-roads running to this city. These have been built for purposes of busi-

ness, of trade. They connect the interior of the country with the commerce of the world. But, annihilate the Harbor of Boston, and these expensive facilities for inter-communication will become of little value either to the city or the country.

The channel of Miller's River is somewhat irregular above Prison Point Bridge. If it were straightened, and the channel from the Canal Mills in Charlestown, opened into it several hundred feet higher up, it would be a very considerable improvement. The water from the mills would increase the force of the current, and would probably add 50 per cent. to the capacity of the channel in that part of the river. As things are now situated, the channel leading to the mills cannot be used for purposes of navigation. But at the point where it strikes the Fitchburg Rail-road Bridge, it is near the other, or Miller's River Branch, and they may be easily united, and made to constitute one straight channel from their new point of meeting, to the *draw* in Prison Point Bridge.

From Prison Point Bridge the Boston and Maine Rail-road Company are opening a new channel of 200 feet in width, in a straight line to the main channel of Charles River. This new channel will make a valuable addition to the conveniences of navigation, in this part of the harbor. The obliquity of the old channel to the direction of the rail-road bridge, makes it somewhat less convenient, in certain states of the wind and tide, to pass vessels through than it would be if the channel were straight, and the direction of the current, both at flood and ebb, at right angles to the bridge. The new channel will obviate all this inconvenience, by enabling the vessels trading to East Cambridge, or Charlestown Back Bay, to pass the rail-road bridge at the main draw, in the Charles River channel, which is set in the direction of the current.

This new channel has another advantage. It gives a free communication between all the wharves above Prison Point Bridge, and that part of Charles River and its adjacent wharves, which lie above the bridge of the Boston and Maine Rail-road: whereas, if this improvement had not been made, all communication by water craft, between the places above referred to, (when the Boston and Lowell Rail-road Company

shall have completed their improvements,) would be through two draws of the Boston and Maine Rail-road Bridge. The importance of this improvement will increase with the increasing business and enterprise of East Cambridge, and that portion of Charlestown which lies contiguous to the channel of Miller's River and Prison Point Bay.

We have spoken of the importance of these two large estuaries, as means of preservation to the great channel which constitutes what may be called the main trunk of the inner harbor. We beg leave to suggest a few considerations touching the main channel itself.

This channel commences at the junction of Charles and Mystic Rivers, opposite the Navy Yard, and extends southeasterly about  $3\frac{1}{2}$  miles, opening into the lower harbor between Fort Independence and Fort Warren. From its mouth between these two islands, to the Cunard Wharf, this channel is very straight, and of a clear width of about 3000 feet. Before the extension of the wharves at East Boston, the width of this channel in the narrowest point, was about 1700 feet. It has been considerably curtailed by the extension of wharves and other fixtures, particularly at East Boston. The Commissioners would respectfully suggest that the channel between East Boston and the city proper, is, in their opinion, to be treated with great care and caution; that it should not be unnecessarily narrowed. In the extension of wharf accommodations at East Boston, it would be well to build on the west side of the island, opposite the Navy Yard, and along the southeastern side towards Bird Island. But the further encroachment upon the main channel opposite the city proper, and opposite to the flats at the mouth of Fort Point Channel, should be avoided,—at least, till a more urgent necessity arises than exists at present; and till there shall be opportunity to observe the effects of encroachments upon that channel already made.

The building of new wharves, the extension of old ones—the filling up of flats to the exclusion of the tide, and the consequent diversion of the currents to a greater or less degree, are producing changes in the state of the harbor, some of them innocent, some of them more or less detrimental to its charac-

ter, and some of them tending to serious consequences. Changes of this kind have been observed since the survey made in 1835. Some of these are traceable to particular causes, and tend to throw light on the general subject of causes and effects in relation to these changes. They all show the importance of having the harbor *taken care of*—of having it in the *custody* of some responsible authority, which shall insure the requisite watchfulness and care—a commission emanating from the Legislature; that it should be the duty of such a commission to see that the works permitted to be erected on the borders of the harbor, or within its channels, should be so constructed as to do no injury, or the least possible injury, to the same; that they should be what they were authorized to be, and nothing more. That the said commission should keep a careful record of all such changes in the structures and fixtures in and about the harbor. That plans should be taken of all such structures, upon such a scale as will readily show what the structure is, particularly in relation to its tendencies and effect upon the tides, the channels, and the facilities of navigation. That the results of these alterations should be carefully observed, and recorded for after reference and comparison; and, that such observations and experiments upon the motions, magnitude and effects of the tides, as will show the tendencies of the existing state of things, be made on such occasions, and at such intervals, as will furnish the desired information.

The Commissioners are required to report “how far, and to what extent, if any, the said bay and rivers, or either of them, may be curtailed or diminished, without endangering the harbor of Boston, and greatly impairing the advantages of navigation and ship-building on said rivers.” It is not distinctly stated that the act authorizing the appointment of this commission, that the Commissioners are to recommend *lines* to limit the encroachment upon the estuaries, by structures projecting out from the land. It is, however, expected by citizens interested in the lands on their shores. And, it may be considered as fairly to be inferred from the above quoted clause in the resolve, and the circumstances under which the survey was authorized. The Commissioners have, therefore, considered this

subject, and respectfully recommend to the Legislature the following lines as limits beyond which they will not permit these bays to be filled up.

*Lines drawn in Charles River.*

On the northwesterly side of Charles River, we have adopted the following lines :—1. The first line is drawn from the southerly end of the island, built by the Boston and Maine Railroad Company, between the channels of Charles River and Miller's River, to the southerly corner of the northwesterly abutment of Canal (or Craigie's) Bridge. 2. The second is also a straight line, and is drawn from the face of the said abutment of Canal Bridge, *through* a point on the northerly side of West Boston Bridge, two thousand feet from the easterly side of the draw in said bridge, to a point two thousand feet northerly from the northerly side of the Boston and Roxbury Mill Dam. 3. The next line is drawn from this last point westerly, parallel to said Mill Dam, and consequently two thousand feet distant therefrom, to the northern shore of Charles River near its mouth. This will give a clear channel of 2,000 feet in width from a little above Canal Bridge to the head of Cambridge Bay. And the Commissioners would here remark, that the object in this restriction is not so much to reserve a *channel* for the passage of the water in the flood and ebb of the tides, as to preserve the *volume* of water as large as possible, for the purpose of keeping the main channel clear below; as we are of opinion, that a less breadth of water-way would be quite sufficient for the purpose of filling and emptying Charles River, without perceptibly diminishing the tides therein.

*Lines in Miller's River.*

4. The *fourth* line is in Miller's River, and is drawn from the south corner of the aforesaid Boston and Maine Rail-road Company's island; northerly along the westerly side of the same, and thence in the same straight line to the northerly side of the old channel.

5. The *fifth* line is drawn from the point where the line No. 4 meets the northerly side of the said channel; northwesterly,

northerly, and northeasterly, along the sea wall recently built by the Charlestown Branch Rail-road Company, to the westerly projection of the State Prison Yard.

6. The *sixth* line is parallel to line No. 4, and 200 feet westerly. It extends from the channel of Charles River to the south side of the channel of Miller's River.

7. The *seventh* line is drawn from the north end of the sixth as just described, to a point in the north side of Prison Point Bridge, 500 feet westerly of the centre line of the Boston and Maine Rail-road.

8. The *eighth* line is drawn from the northern extremity of No. 7, to a point opposite the west end of the Fitchburg Rail-road Bridge, and distant from the same 300 feet.

9. The *ninth* line is drawn from the last mentioned point to the northerly corner of the southeasterly abutment of the Boston and Lowell Rail-road Bridge over Miller's River. Lines Nos. 4 and 5 are recommended as the limit of encroachment on the easterly side of Miller's River and Prison Point Bay. The lines following, to 9 inclusive, are proposed as the limit of encroachment on southwesterly side.

#### *Lines in the South Bay.*

10. The *tenth* line, which is in South Bay, is drawn from a point on the south side of the South Free Bridge, (150 feet southeasterly of the southeasterly side of the *draw*,) in a southerly direction parallel to the Dorchester Turnpike, 3000 feet.

11. The *eleventh* line is on the westerly side of the channel, and is drawn from the southerly corner of Miller & Nason's wharf, southerly in a direction at right angles with the South Bridge, across the same, to a point 1250 feet distant therefrom.

12. The *twelfth* line is drawn from the last mentioned point to the westerly side of the artificial channel of Roxbury Creek, 1000 feet southeasterly from Harrison Avenue, opposite the South Burying Ground.

The Commissioners have drawn no lines in Mystic River. They recommend that no encroachment be made upon even the small south channel on the north side of Charlestown. And

they take occasion to recommend generally, the preservation of as great an area and volume of Charles and Mystic Rivers, as may consist with private rights and paramount public objects.

The Commissioners have been requested to express an opinion as to the propriety of straightening the harbor line on the north-westerly side of Fort Point Channel, between Arch Wharf and Wales's Wharf. It will be observed that the Commissioners appointed in 1835, gave an opinion favorable, upon public considerations, to the establishment of a straight line as the water line between these points. We are entirely of the same opinion; and we know of no considerations, either public or private, which stand in the way of straightening the harbor line in this place, in the manner intimated in the Report of the Commissioners of 1835.

All which is respectfully submitted by your obedient servants,

JAMES HAYWARD,  
EZRA LINCOLN, JR.,

*Commissioners.*

## SENATE.....No. 65.

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### Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, January 15, 1846.

*Ordered*, That so much of the Governor's Address as relates to the Tariff and the Protective Policy be referred to a special Joint Committee, to consist of

Messrs. STEVENS, of Andover;  
CLARK, of Southampton;  
HALE, of Haverhill;  
PLATNER, of Lee, and  
WILMARTH, of Attleboro',

with such as the Senate may join.

Sent up for concurrence.

C. W. STOREY, *Clerk*.

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SENATE, January 17, 1846. Concurred, and Messrs. Cary, Scudder, Shepard and Kyle are joined.

CHAS. CALHOUN, *Clerk*.



## **Commonwealth of Massachusetts.**

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The Joint Special Committee to whom was referred so much of the Governor's Address as relates to the tariff and the protective policy,

### **R E P O R T :**

That while the country is in doubt what measures may be adopted by the national government, under the change of policy that has been announced by the present administration, the assertion by the chief magistrate of this Commonwealth of that principle in the Constitution on which the laws of the Union concerning revenue and domestic manufactures have hitherto been founded, is, in their opinion, well timed as it is forcible and just.

He has placed the subject in so clear a light, that nothing further is required to show that the right to protect a community, in its domestic occupations, from the interference of foreign rivalry, is inherent in every sovereignty; that when this right was yielded by each State in the Union to the general government, it was given that it might be exercised with additional energy; that having been entirely yielded up, it has passed out of the several States; and that, if the national government now disclaims it as a power not belonging to itself, it exists nowhere, a conclusion that is forbidden in language of as high authority as exists among us, that of Mr. Madison.

Neither is it necessary to add any thing to the passage of the address which has been referred to this Committee, to show that the successive Presidents of the Union, until a recent period, have admitted the existence of this power of protection and

regarded its exercise as a duty. It was presented to early notice by Washington; and was recognized by his successors, until its use was emphatically recommended by General Jackson, with particular reference to the advantage of agriculture. Placing that interest in the foreground, he pointed out the benefits which the whole country would derive from the market that would be provided, by manufactures for agricultural products.

Nor is there, in the opinion of this Committee, any just cause to doubt that the advantages which were thus foreseen have followed the policy that has been adopted. That remarkable variety in production which is incident to the diversity of our climate has found mutual exchange and consumption to a vast extent, free of all duty, in the markets that have grown up among ourselves. The country is steadily supplied with manufactured articles at low rates. Those who furnish them are chiefly withdrawn from agricultural labor; and become, as was hoped, the consumers, instead of the producers, of bread stuffs and provisions. And when they were recently disturbed in their labor by the gradual reduction of the tariff, the farmers, certainly, found no reason to rejoice. They shared in the general depression of the country, although corn was then admitted at a reduced rate of duty under the sliding scale in England, and her manufactures were admitted at reduced rates here.

If cotton, which must share in the fluctuations of commerce, has been lower than its producers believe it need be, their anticipations of improvement from a change of policy seem to be without support from past experience. It had rarely been lower than it became at the period just mentioned, when the partial abandonment of the protective system was producing its natural effect, and our own establishments were embarrassed by the introduction of such foreign goods as came into competition with our own. And when the system, which has proved so beneficial, was restored under the late administration, to stop this ruinous competition, the whole amount of foreign imports which is supposed to be so important to the price of cotton was not found to be diminished, but to have increased; because, while industry is successful among us, new classes of people,

even in Lowell and other manufacturing towns, find ready means to become purchasers in large quantities of those more valuable goods which are not manufactured here. Yet, the present Chief Magistrate of the nation and the Secretary of the Treasury, not only propose to abandon the principle of protection to American manufactures, sustained by every former administration, but recommend a tariff of duties operating directly against this principle. The evidence of this appears in the fact that, by the tariff now recommended, much higher duties are to be levied on numerous articles not manufactured in this country, than on a number of others which comprise some of our own principal manufactures.

Among the reasons assigned for a change of our policy, a proposed change in that of England is pointed to for our example. But England has maintained a protective policy with rigor, until the rivalry of other nations has rendered a change expedient. In many branches of art she formerly possessed skill which was unknown to others, and hardly needed the exclusion of any thing that could be furnished from abroad. Her protection was in exercise to keep secret within herself the process of her fabrics; and her artificers, at no very remote period, were prevented, by penalties, from leaving the kingdom, lest they might carry among foreigners the mysteries of their craft.\* And now, when the increase of skill abroad diminishes the want of her supplies, a watchful guardianship over her manufactures appears to be the leading principle of her policy, which is only made to conform to a change of circumstances that pe-

\* By the laws of England, the artificer who should venture abroad with any such design and not return within six months after warning given him by a British ambassador was deemed an alien, forfeited his lands and goods, and was made incapable of receiving any legacy or gift; and whoever was convicted of inducing him so to go, was punished with heavy fines and imprisonment. In the reign of George the Third it was further enacted, that if any person should contract with or endeavor to persuade any artificer concerned in printing calicoes, cottons, muslins or linens of any sort, or in preparing tools or utensils for such manufactory, to go out of the kingdom, he should forfeit five hundred pounds and be imprisoned for twelve months; and for a second offence, he should forfeit one thousand pounds, with imprisonment for two years. Additional provisions of this nature were enacted after the close of our revolutionary war, and these laws were not finally repealed until the fifth year of the reign of George the Fourth, 1824, when our own manufactures were in successful progress.

culiarly affects herself. She has abolished the duty on cotton, because it is a raw material for the use of her manufacturers, who find our own cotton cloths are now carried successfully to the most distant regions of the earth, and that some new advantage is necessary for competition with us. She proposes to reduce the duty on bread stuffs and provisions, but it seems to be chiefly that her manufacturers may find it more easy to subsist. If she proposes to reduce the duties on any articles of manufacture that resemble her own, the change is almost nominal; for it is well known that they can hardly be sent to her with advantage from any quarter. Our position has but little resemblance to hers. It is, indeed, almost the reverse of it; and what may be very judicious for a nation so differently situated would be equally unwise and dangerous for us.

There is reason, then, to believe, that those among us who look for advantages from the reduction of our tariff will be disappointed; and that the change is to be deprecated for the whole country. We seek, however, no special legislation for this part of it.

If calm deliberation in the national councils shall lead to the conclusion that it is best to hazard the evils that are foreseen, Massachusetts is able to take her chance with the rest of the Union and to sustain herself as long as others can bear the trial, if it must come.

But if those who protest, themselves, against partial legislation really intend to expose the labor of New England to the experiment under one rate of duty for her principal fabrics, while they add one half to that rate for the security of States further south, the Committee see cause for just complaint in such a design.

And on a view of the whole matter, the Committee recommend the adoption of the accompanying resolutions.

All which is respectfully submitted.

THOS. G. CARY, *Chairman.*

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Six.

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### RESOLVES

Relating to the Tariff and Protective Policy.

*Resolved*, That the Legislature of Massachusetts cordially responds to the views presented by His Excellency the Governor, in his annual address, showing that it belongs to the General Government, not only as a power but a duty, to give encouragement to manufactures, as recommended by General Washington, through the "protective duties," sanctioned by Mr. Jefferson and enforced by his successors.

*Resolved*, That, while it rests with the National Government to decide when and how far that power shall be exercised, in the opinion of this Legislature the beneficial effects of the protective system on agriculture that were particularly pointed out by General Jackson have been realized; that the present tariff is advantageous to every part of the country, giving to labor the security that is required against rivalry from foreign pauperism, while it raises no more of revenue than is indispensable, and provides steady supplies of most of the manufactures that are used by the poor at lower rates than they have ever been obtained elsewhere; and that its repeal, in the general prosperity that exists, would be ill-timed and injurious throughout the Union.

*Resolved*, That, while the people of Massachusetts ask no special legislation for their own benefit, they protest against the discrimination which it is proposed to make against them, by fixing higher rates of duty for the security of labor in the Middle and Southern States than for their own.

*And resolved further*, That at a time when war is mentioned in the national councils as by no means improbable, any proposal that tends to discourage the fisheries, the nursery of our seamen, is impolitic in a national view.



## SENATE.....No. 66.

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### Commonwealth of Massachusetts.

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IN SENATE, February 26, 1846.

*Ordered,* That the Committee on Banks and Banking be instructed to inquire into the expediency of further legislation, concerning the offence of the fraudulent taking and conversion of the property of Banks by Bank Officers and persons employed in Banks.

Sent down for concurrence.

CHAS. CALHOUN, *Clerk.*

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HOUSE OF REPRESENTATIVES, Feb. 26, 1846.

Concurred.

CHAS. W. STOREY, *Clerk.*



## **Commonwealth of Massachusetts.**

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IN SENATE, March 13, 1846.

The Joint Committee on Banks and Banking, to whom was committed an Order of the 26th of February last, instructing them to inquire into the expediency of further legislation, concerning the offence of the fraudulent taking and conversion of the property of Banks by Bank Officers and persons employed in Banks, have considered the same and report the accompanying Bill.

STEPHEN SALISBURY, *Chairman.*

## **Commonwealth of Massachusetts.**

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**In the Year One Thousand Eight Hundred and Forty-Six.**

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### **AN ACT**

**Concerning Larceny by Bank Officers and Persons employed in Banks.**

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1   SECT. 1. If any officer of an incorporated bank,  
2 or any person in the employment of such bank, shall  
3 fraudulently convert to his own use, or fraudulently  
4 take and secrete, with intent to convert to his own  
5 use, any bullion, money, note, bill, or other secu-  
6 rity for money, belonging to, and in possession of,  
7 such bank, or belonging to any person and deposited  
8 therein, he shall, whether intrusted with the custody  
9 thereof or not, be deemed thereby to have committed  
10 the crime of larceny in said bank, and shall be punish-  
11 ed by imprisonment in the State Prison not more than  
12 ten years, or by fine not exceeding one thousand  
13 dollars, and imprisonment in the county jail not  
14 more than two years.

1      SECT. 2. In any prosecution for the offence men-  
2 tioned and described in the first section of this act,  
3 it shall be sufficient to allege generally, in the indict-  
4 ment, the fraudulent conversion, or taking with such  
5 intent, of money to a certain amount, without speci-  
6 fying the particulars of that amount. And on the  
7 trial, evidence may be given of any such fraudulent  
8 conversion or taking with such intent, committed  
9 within six months next after the time stated in the  
10 indictment ; and it shall be sufficient to maintain the  
11 charge in the indictment, and shall not be deemed a  
12 variance, if it shall be proved, that bullion, money,  
13 note, bill, or other security for money belonging to,  
14 and in possession of such bank, or belonging to any  
15 person and deposited in such bank, of whatever  
16 amount, was fraudulently converted or taken with  
17 such intent, as is set forth in said first section, within  
18 the said period of six months.

1      SECT. 3. In any prosecution for the offence men-  
2 tioned and described in the first section of this act,  
3 the fraudulent taking or receiving, by any person or  
4 persons, of any bullion, money, note, bill, or other  
5 security, for money belonging to such bank, by rea-  
6 son of any unlawful confederacy or agreement of  
7 him or them, with an officer of said bank or any per-  
8 son in the employment thereof, with intent to de-  
9 fraud the same, shall be held and deemed to be a  
10 fraudulent taking by such officer or person in the  
11 employment of such bank, to his own use, within  
12 the meaning of the first section of this act ; and it  
13 shall not be necessary, on the trial, to identify the  
14 particular bullion, money, note, bill, or security for  
15 money so taken or received.

## SENATE.....No. 67.

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### Commonwealth of Massachusetts.

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IN SENATE, March 6th, 1846.

*Ordered*, That the Committee on the Judiciary be instructed to consider what further legislation, if any, is necessary in regard to Houses of Correction.

CHAS. CALHOUN, *Clerk*.

**Commonwealth of Massachusetts.**

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SENATE, March 12, 1846.

The Committee on the Judiciary, to whom was referred the Order "to consider what further legislation is necessary in regard to Houses of Correction"—and the Petition of Joseph E. Sprague, relating to the same subject, have considered the same, and report a Bill on the subject submitted.

THOMAS P. BEAL, *Chairman.*

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Six.

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### AN ACT

In relation to the House of Correction and Asylum for Insane Persons in the County of Essex.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1 SECTION 1. The county commissioners of the  
2 county of Essex may, if they judge it expedient,  
3 pay the master of the house of correction, for said  
4 county, for his services, by a salary, instead of pay-  
5 ing him for the board or support of prisoners ; and,  
6 if he shall be so paid, all necessary supplies for said  
7 house shall be procured and furnished by said com-  
8 missioners, or by the overseers thereof, under the  
9 direction of said commissioners ; and said county of  
10 Essex shall have the same remedies for maintaining

11 prisoners committed to said house, as are provided  
12 by law for the city of Boston in like cases.

1 SECT. 2. The said county commissioners shall  
2 appoint a superintendent and matron of the recepta-  
3 cle, or asylum, for idiots and insane persons not  
4 furiously mad, erected and provided for said county,  
5 agreeably to the two hundred and twenty-third  
6 chapter of the statutes, passed on the thirteenth day  
7 of April, in the year one thousand eight hundred  
8 and thirty-six; and all persons confined therein  
9 shall be committed to the care and custody of said  
10 superintendent, who shall keep a record of all com-  
11 mitments thereto, and of all discharges therefrom,  
12 and a reasonable compensation shall be allowed to  
13 said superintendent and matron for their services ;  
14 and said county shall have the same remedies for  
15 the care and support of persons confined in said  
16 asylum, as are provided in the preceding section for  
17 maintaining prisoners in the house of correction.

1 SECT. 3. All lunatics or idiots, who have been  
2 or shall be removed from the State Lunatic Hospital  
3 at Worcester to said county of Essex, by order of  
4 the trustees thereof, pursuant to the provisions of  
5 law which require that patients, so removed, shall  
6 be confined in the house of correction, or in one of  
7 the jails in said county, shall hereafter be confined  
8 in said asylum.

1 SECT. 4. The said county commissioners may, if  
2 they deem it expedient, provide and furnish all ne-  
3 cessary supplies for the prisoners who may be com-

4 mitted to the jail in Ipswich, in said county, and  
5 allow the keeper thereof for his care of the same  
6 and for his services, such compensation as they may  
7 judge reasonable.

1 SECT. 5. The act “to provide for the govern-  
2 ment and management of houses of correction in  
3 certain cases,” passed on the fourth day of Febru-  
4 ary, in the year one thousand eight hundred and  
5 forty-six, shall not apply to said county of Essex.

1 SECT. 6. This act shall take effect from and after  
2 its passage.









# SENATE.....No. 68.

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## Commonwealth of Massachusetts.

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IN SENATE, March 16, 1846.

The Joint Committee on Railways and Canals, to which was committed the Petition of John S. Adams and others, praying for authority to construct a Rail-road from Hockanum to the village of Willimanset, report the accompanying Bill.

THOS. HOPKINSON, *Chairman.*

**Commonwealth of Massachusetts.**

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In the Year One Thousand Eight Hundred and Forty-  
Six.

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**AN ACT**

To incorporate Mount Holyoke Rail-road Company.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1   SECT. 1. John S. Adams, Luke Sweetser, and  
2 Samuel Nash, and their associates and successors,  
3 are hereby made a Corporation, by the name of  
4 Mount Holyoke Rail-road Company, with all the  
5 powers and privileges, and subject to all the duties,  
6 liabilities, and restrictions, set forth in the forty-  
7 fourth chapter of the Revised Statutes, and in that  
8 part of the thirty-ninth chapter of said statutes relat-  
9 ing to Rail-road Corporations, and in all other gen-  
10 eral laws, which have been or shall be subsequently  
11 passed, relative to Rail-road Corporations.

1   SECT. 2. Said corporation is hereby empowered  
2 and authorized to locate, construct, and fully com-  
3 plete a rail-road, with one or more tracks, from the  
4 southern termination of the Hampshire and Franklin  
5 Rail-road, in the village of Hockanum, in the town  
6 of Hadley and County of Hampshire, passing through  
7 a part of Hadley and South Hadley, in said county,  
8 and a part of Springfield, in the County of Hamp-  
9 den, to some convenient point upon the Connecticut  
10 River Rail-road, at or near Willimanset in said  
11 Springfield.

1   SECT. 3. The capital stock of said corporation  
2 shall consist of not more than two thousand shares,  
3 the number of which shall, from time to time, be de-  
4 termined by the directors of said corporation ; and  
5 no assessment shall be laid thereon of a greater  
6 amount in the whole than one hundred dollars on  
7 each share ; and said corporation may invest and  
8 hold such part thereof in real and personal estate  
9 as may be necessary and convenient for the purposes  
10 of their incorporation.

1   SECT. 4. If said corporation be not organized,  
2 and that part of the location of its road within the  
3 County of Hampshire, be not filed with the County  
4 Commissioners of that county, and the location of  
5 the part of said road within the County of Hampden,  
6 be not filed with the County Commissioners of that  
7 county within one year, and the said rail-road be not  
8 completed within three years from the passage of this  
9 act, then the same shall be void.

1   SECT. 5. Said corporation is hereby authorized  
2 to enter upon, and unite their rail-road, by proper  
3 turnouts and switches, with the Hampshire and  
4 Franklin Rail-road, at the termination thereof at  
5 Hockanum, and use the same or any part thereof.

1   SECT. 6. Said Mount Holyoke Rail-road Compa-  
2 ny may also enter upon, and unite their rail-road,  
3 by proper turnouts and switches, with the Connecti-  
4 cut River Rail-road at some convenient place at or  
5 near Willimanset in Springfield, and use said Con-  
6 necticut River Rail-road, or any part thereof, be-  
7 tween said point and the junction thereof with the  
8 Western Rail-road in Springfield.

1   SECT. 7. The Legislature may authorize any  
2 company to enter with another rail-road upon, and  
3 use the said Mount Holyoke Rail-road, or any part  
4 thereof, by complying with such reasonable rules and  
5 regulations as the said Mount Holyoke Rail-road  
6 Company may prescribe, or as may be determined  
7 according to the provisions of law.

1   SECT. 8. The Legislature may, after the expira-  
2 tion of five years from the time when the said Mount  
3 Holyoke Rail-road shall be opened for use, from time  
4 to time, alter and reduce the rate of toll, or profits  
5 upon said road; but said toll shall not be so re-  
6 duced, without the consent of said corporation, as to  
7 produce, with said profits, less than ten per cent. per  
8 annum.

1   SECT. 9. The said Mount Holyoke Rail-road

2 Company, and the Hampshire and Franklin Rail-  
3 road Company are hereby authorized to unite in  
4 such a manner, and on such terms, as the respective  
5 corporations may agree upon ; and when the said  
6 corporations shall have so united, they shall be one  
7 corporation, by the name of the Hampshire and  
8 Franklin Rail-road Company ; and all the franchises,  
9 property, privileges, duties, and liabilities, granted,  
10 acquired, or incurred under the authority of the re-  
11 spective charters of said corporations, shall be held,  
12 enjoyed, and performed by the said Hampshire and  
13 Franklin Rail-road Company, as the same shall exist  
14 after such union ; and their capital stock may then  
15 be equal to the amount of their several capitals ;  
16 *provided, however,* that no such union shall take place  
17 without a vote of two thirds of the legal votes of the  
18 said Mount Holyoke Rail-road Company, and also of  
19 the said Hampshire and Franklin Rail-road Compa-  
20 ny, at meetings of said companies respectively, duly  
21 notified and called for that purpose.









## **SENATE.....No. 69.**

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### **Commonwealth of Massachusetts.**

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**IN SENATE, March 16, 1846.**

**The Joint Committee on Roads and Bridges, to which was committed the Petition of R. E. Bemis and others, praying for a charter to build a Bridge across Connecticut River, between Cabotville and West Springfield, report the accompanying Bill.**

**For the Committee,**

**JASON GOULDING.**

**Commonwealth of Massachusetts.**

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**In the Year One Thousand Eight Hundred and Forty-Six.**

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**AN ACT**

**To incorporate the Proprietors of the Cabot and West Springfield Bridge.**

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1   SECT. 1. Robert E. Bemis, Veranus Chapin,  
2 Aaron Ashley and Horace Smith, their associates,  
3 successors and assigns, are hereby made a corpora-  
4 tion, by the name of the Proprietors of Cabot and  
5 West Springfield Bridge, with all the powers and  
6 privileges, and subject to all the duties, restrictions  
7 and liabilities, set forth in the forty-fourth chapter of  
8 the Revised Statutes.

1   SECT. 2. The said proprietors are hereby author-  
2 ized and empowered to erect a bridge over Connec-  
3 ticut River, between the towns of Springfield and  
4 West Springfield, at Ashley's Ferry, so called, or

5 between that and Jones' Ferry, the location to be  
6 fixed by the County Commissioners of the County of  
7 Hampden, and to purchase and hold such real estate  
8 as may be proper for the purpose ; and said bridge  
9 shall be well built of suitable materials, at least twen-  
10 ty-six feet wide, and covered with planks, with suf-  
11 ficient rails on each side for the protection of passen-  
12 gers travelling thereon, and shall be kept in good  
13 repair at all times.

1     SECT. 3. A toll is hereby granted to said propri-  
2 etors, and is established at the following rates, viz :  
3 For each foot passenger, one cent ; for each horse  
4 and rider, five cents ; for each gig, sulkey or buggy  
5 wagon, twelve cents ; for each chaise, carryall or  
6 covered buggy, fifteen cents ; for each coach, chariot  
7 or phaeton, drawn by two horses, twenty-five cents ;  
8 and for each additional horse, four cents ; for each  
9 cart, wagon, sled or other carriage of burden drawn  
10 by one beast, ten cents ; for each additional beast,  
11 four cents ; for each horse without a rider, four  
12 cents ; for neat cattle, asses and mules, each, three  
13 cents ; for sheep and swine, each, one cent ; and  
14 one person, and no more to each team, shall pass  
15 free from toll ; and all persons who shall have occa-  
16 sion to pass the said bridge to perform military duty,  
17 shall pass with their necessary horses and carriages  
18 free from toll.

1     SECT. 4. The said tolls shall commence on the  
2 day of the opening of said bridge, and continue for  
3 the term of fifty years thereafter; and at the place of  
4 receiving the said tolls, there shall be constantly ex-

**4 CABOT AND W. SPRINGFIELD BRIDGE. [Mar.'46.]**

**5 posed to view a sign-board, with said rates of toll  
6 fairly and legibly printed thereon.**

**1 SECT. 5. The said corporation, at the time of the  
2 opening of the said bridge, or as soon as may be  
3 thereafter, shall cause a true account of the expen-  
4 ses of building the same ; and also, at the end of  
5 every three years thereafter, a true account of all  
6 receipts and disbursements on account of the same,  
7 to be returned into the office of the Secretary of the  
8 Commonwealth.**

**1 SECT. 6. The said proprietors may, if they see  
2 cause, commute said rates of toll, with any person or  
3 persons, by taking of him or them, a certain less  
4 sum, payable at any stated periods, instead of the  
5 toll aforesaid ; or by taking of all persons less rates  
6 of toll than, as before specified; public notice of their  
7 intention so to do, being first given, by publishing  
8 the same three weeks successively in every newspa-  
9 per printed in the County of Hampden.**

**1 SECT. 7. The Legislature may, at any time here-  
2 after, regulate the tolls on said bridge, as they may  
3 deem expedient.**

**1 SECT. 8. If the said proprietors shall neglect, for  
2 the space of four years from the passing of this act,  
3 to build and finish the said bridge, then this act shall  
4 be of no effect.**

## SENATE.....No. 70.

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### Commonwealth of Massachusetts.

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IN SENATE, Feb. 21, 1846.

*Ordered*, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the one hundred and seventh chapter of the Revised Statutes, relating to the foreclosure of mortgages.

CHAS. CALHOUN, *Clerk*.



## **Commonwealth of Massachusetts.**

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**IN SENATE, February 27, 1846.**

The Committee on the Judiciary, to which was committed the order of the 21st instant, instructing them to inquire into the expediency of amending the one hundred and seventh chapter of the Revised Statutes, relating to the foreclosure of mortgages, have considered the same, and report the accompanying Bill.

**For the Committee,**

**FRANCIS O. WATTS, *Chairman.***

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Six.

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### AN ACT

Concerning the Foreclosure of Mortgages.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1   SECT. 1. When any judgment shall hereafter be  
2 rendered in an action brought to foreclose a mortgage  
3 of real estate, and an execution for possession of the  
4 premises shall issue thereon, the officer who shall  
5 serve said execution, shall, within three months af-  
6 ter the same is returnable to the clerk's office, cause  
7 the same, with his return thereon, to be recorded in  
8 the registry of deeds for the county where said real  
9 estate is situate, the expense of which recording  
10 shall be added to the charge of levying the execu-  
11 tion.

1   SECT. 2. Whenever such an execution as is men-  
2 tioned in the preceding section, shall be recorded with

3 the officers' return thereon, within three months from  
4 the time when the same is returnable to the clerk's  
5 office, the possession obtained under the same, shall  
6 be effectual for the purposes mentioned in the first  
7 section of the one hundred and seventh chapter of  
8 the Revised Statutes, from and after the time when  
9 the service of said execution shall be completed ;  
10 but if said execution, with the return thereon, shall  
11 not be recorded until after the expiration of three  
12 months from the time when it is made returnable,  
13 the possession, for the purposes aforesaid, shall be  
14 considered as obtained when the said execution, with  
15 the return thereon, shall be recorded.

*Mr. Hoar proposes to amend the foregoing Bill, as follows,  
to wit :*

1   SECT. 3. Whenever an entry for the breach of  
2 the condition of a mortgage of real estate, is made,  
3 and a memorandum, certificate, or deposition thereof  
4 made and recorded, under the provisions of the sec-  
5 ond and twelfth sections of the one hundred and  
6 seventh chapter of the Revised Statutes, the mort-  
7 gagee or holder of the mortgage by virtue of which  
8 such entry is made, shall be deemed to be in the  
9 actual possession of the mortgaged premises, and  
10 liable to account for the clear rents and profits of  
11 the same, to any subsequent mortgagee or other sub-  
12 sequent party in interest, who may afterward re-  
13 deem the same, from the time of such entry until a  
14 certificate shall be made and recorded in the registry  
15 of deeds, where the first certificate was recorded of  
16 his abandonment of such possession, with a note of  
17 reference from one record to the other.

*Mr. Watts proposes to amend by adding an additional section  
to the bill as follows, to wit :*

1   SECT. No past or future omission of any regis-  
2 ter of deeds to make the marginal references requir-  
3 ed by the second section of the one hundred and  
4 seventh chapter of the Revised Statutes, in cases of  
5 record of any certificate of possession or surrender  
6 of possession for foreclosure of mortgage of real  
7 estate, shall affect the validity of such foreclosure.







# SENATE.....No. 71.

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## Commonwealth of Massachusetts.

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IN SENATE, March 16, 1846.

The Joint Committee on Railways and Canals, to which was committed the Petition of the Boston and Providence Rail-road Corporation, praying for leave to construct a branch, report the accompanying Bill,

THOS. HOPKINSON, *Chairman.*



**Commonwealth of Massachusetts.**

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In the year One Thousand Eight Hundred and Forty-Six.

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**AN ACT**

Authorizing the Boston and Providence Rail-road Corporation to construct a Branch Rail-road.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1   SECT. 1. The Boston and Providence Rail-road  
2 Corporation are hereby authorized, with all the  
3 powers and privileges, and subject to all the duties,  
4 restrictions, and liabilities, set forth in the forty-fourth  
5 chapter of the Revised Statutes, and in that part of  
6 the thirty-ninth chapter, and all statutes subsequent-  
7 ly passed relating to rail-road companies, to locate  
8 and construct a branch rail-road, commencing at  
9 some eligible point in the line of the Boston and

10 Providence Rail-road, in Attleborough Precinct, and  
11 thence running in a westerly direction over or near  
12 Read's Pond and through or near Attleborough  
13 Meadows, so called, and through or near Birch Hill  
14 to the line of the State of Rhode Island, in said town  
15 of Attleborough: or, commencing at some point in  
16 said Boston and Providence Rail-road between the  
17 village of Dodgeville and the Seven Mile Post on  
18 said road, and thence running in a westerly direc-  
19 tion, southerly of Miller's Hill and through or near  
20 Sweeting Swamp, to the line of the State of Rhode  
21 Island, in the town of Pawtucket or the town of At-  
22 tleborough.

1    SECT. 2.   The said corporation, for the purpose  
2 of constructing the said branch road, are hereby au-  
3 thorized to increase their capital stock by an amount  
4 not exceeding one hundred and thirty thousand dol-  
5 lars, by creating an additional number of shares not  
6 exceeding thirteen hundred, of one hundred dollars  
7 each.

1    SECT. 3.   The said Boston and Providence Rail-  
2 road Corporation, are hereby authorized to expend,  
3 of their capital stock, such sum as the directors may  
4 deem expedient, for the purpose of connecting a  
5 rail-road which shall be a continuation of the branch  
6 road hereinbefore authorized to be constructed, with  
7 the rail-road of the Providence and Worcester Rail-  
8 road Corporation, for the laying of a track or tracks  
9 from the point of junction of said roads to the city  
10 of Providence, for the purchase of depot accommo-

4 BOSTON AND PROVIDENCE R. R. CORP'N. [Mar,'46.

11 dations in said city of Providence, and for the mak-  
12 ing of any other arrangements which may be neces-  
13 sary to effect and complete the connection between  
14 the roads aforesaid.

## SENATE....No. 72.

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### Commonwealth of Massachusetts.

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IN SENATE, March 17, 1846.

The Joint Committee on Railways and Canals, to which was committed the Bill on petition of William Livingston and others, to establish the Lowell and Andover Rail-road Company, report the said Bill, taken into a new draft.

THOS. HOPKINSON, *Chairman.*

**Commonwealth of Massachusetts.**

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In the Year One Thousand Eight Hundred and Forty-Six.

---

**AN ACT**

To establish the Lowell and Andover Rail-road Company.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1   SECT. 1. William Livingston, Sidney Spaulding,  
2   Otis Allen, Royal Call, their associates and succes-  
3   sors, are hereby made a corporation, by the name of  
4   the Lowell and Andover Rail-road Company, with  
5   all the powers and privileges, and subject to all the  
6   duties, liabilities and provisions, contained in that  
7   part of the thirty-ninth chapter of the Revised Stat-  
8   utes, and the Statutes which have been, or may be,  
9   subsequently passed, which relate to rail-road cor-  
10  porations, and also in the forty-fourth chapter of said  
11  Revised Statutes contained.

1   SECT. 2. The said company is hereby authorized  
2 and empowered to locate, construct, and finally com-  
3 plete, a rail-road, with one or more tracks, from some  
4 convenient point in the city of Lowell, near the ter-  
5 mination of a contemplated branch of the Nashua  
6 and Lowell Rail-road, and between the junction of  
7 said branch and the canal, thence crossing the track  
8 of the Boston and Lowell Rail-road, at or near the  
9 arch bridge, and running within the location of the  
10 said rail-road, by or near the east side of said tracks,  
11 to a point between the bridge over the old Boston  
12 road, and the junction of the branch rail-road, lead-  
13 ing to the Lowell Bleachery, (with power to alter, in  
14 a suitable manner, within said limits, and under the  
15 provisions hereinafter contained, the bridges and  
16 abutments across said Boston and Lowell Rail-road,  
17 and with power to diverge easterly therefrom, by  
18 one or more tracks, to some convenient point or  
19 points, not more than fifty rods therefrom,) and  
20 thence through the town of Tewksbury, passing near  
21 the Rev. Jacob Coggins' Meeting-house, and thence  
22 by a line running west of Haggett's Pond, so called,  
23 in Andover, to some convenient point at or near the  
24 contemplated branch of the Boston and Maine Rail-  
25 road, to Methuen, or intersecting with the said Bos-  
26 ton and Maine Rail-road near the Andover Bridge.

1   SECT. 3. The said company is hereby authorized  
2 to enter, with their road, upon the Boston and Maine  
3 Rail-road and the Nashua and Lowell Rail-road, at  
4 the points above described, and upon that part of  
5 the Boston and Lowell Rail-road which is north of

4 LOWELL AND ANDOVER R. R. COMPANY. [March,

6 the junction of the branch leading to the Lowell  
7 Bleachery, and to use the same or any part thereof.

1 SECT. 4. The said company shall construct or  
2 maintain their track, or so much thereof, as shall be  
3 within the location of the Boston and Lowell Rail-  
4 road Corporation, and shall cross the tracks of said  
5 corporation, in such place within the limits pre-  
6 scribed by this act, and in such manner as the Bos-  
7 ton and Lowell Rail-road Corporation shall pre-  
8 scribe, or as shall be determined and fixed according  
9 to the provisions of the act passed the 25th day of  
10 March last, entitled An Act to regulate the use of  
11 Rail-roads, and shall conform to and abide by such  
12 reasonable rules and regulations, for security against  
13 collision and accidents, as the Boston and Lowell  
14 Rail-road Corporation shall establish for the manage-  
15 ment of the motive power and trains on the respec-  
16 tive roads, at or near such crossings, or within the  
17 location of said corporation.

1 SECT. 5. And if the company hereby created  
2 shall object to the place and manner, in which they  
3 shall be required to construct and maintain their  
4 crossing and track, by the Boston and Lowell Rail-  
5 road Corporation, within their premises, or to the  
6 rules and regulations which they shall prescribe, as  
7 aforesaid, then and in such case the same shall be  
8 established and determined, from time to time, by  
9 commissioners appointed according to the provisions  
10 of the said act, to regulate the use of rail-roads.  
11 And it is further provided, that the company hereby  
12 created, shall pay to the Boston and Lowell Rail-

13 road Corporation, a reasonable compensation for such  
14 use of their road as is granted by this act, the  
15 amount to be paid in one sum and not as annual  
16 rent, and to be determined, in case of disagreement,  
17 by three referees, two of whom the said companies  
18 shall appoint, (each company appointing one,) and  
19 they shall choose a third; and the company hereby  
20 established shall indemnify the said Boston and Low-  
21 ell Rail-road Corporation, from time to time, for any  
22 additional cost and expenses which they shall be put  
23 to by reason of such crossing of their road, in the  
24 preparation, repair, and maintenance thereof, and  
25 arising from the necessity of the precautions, afore-  
26 said, to be prescribed for the prevention of collisions  
27 and accidents.

1     SECT. 6. The capital stock of said Lowell and  
2 Andover Rail-road Company shall consist of not  
3 more than three thousand shares, the number of  
4 which shall, from time to time, be determined by  
5 the directors thereof; and no assessment thereon  
6 shall be laid, of a greater amount, in the whole,  
7 than one hundred dollars on each share.

1     SECT. 7. If the location of said rail-road shall  
2 not be filed, according to law, within one year from  
3 the first day of September next, or if said company  
4 shall not complete said rail-road to the extent pro-  
5 vided for in the second section of this act, according  
6 to the terms therein stated, within three years from  
7 the first day of September next, then this act shall  
8 be null and void.



1    SECT. 8.    The Legislature may authorize any  
2 company to enter with another rail-road, at any  
3 point of said Lowell and Andover Rail-road, and  
4 use the same or any part thereof.

1    SECT. 9.    The Legislature may, after the expira-  
2 tion of five years from the time when said rail-road  
3 shall be opened for use, from time to time, reduce  
4 the rates of toll, or other profits, upon said rail-road;  
5 but said tolls, or other profits, upon said rail-road,  
6 shall not, without the consent of said company, be  
7 so reduced as to produce, with said profits, less than  
8 ten per cent. per annum.

1    SECT. 10.    This act shall take effect from and  
2 after its passage.





## SENATE....No. 73.

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### Commonwealth of Massachusetts.

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*Amendment adopted in the bill to incorporate the South Shore Rail-road Corporation, in lieu of the 6th and 7th sections.*

1    SECT. 6. The said corporation is hereby author-  
2 ized to unite their rail-road with that of the Old Col-  
3 ony Rail-road Corporation, in Quincy, at such point,  
4 at or near to their present depot, as may be most eligi-  
5 ble, with all the rights and privileges of entering upon  
6 and using the same, and of having their passengers,  
7 merchandise and cars drawn over the same by the  
8 Old Colony Rail-road Corporation, and subject to all  
9 the restrictions, terms and conditions, set forth in any  
10 laws now existing, or which shall be hereafter enact-  
11 ed, to regulate the use of rail-roads ; and subject also  
12 to such reasonable rules and regulations as may be  
13 established by the said Old Colony Rail-road Corpo-  
14 ration, for their mutual safety and convenience. And  
15 the Legislature may authorize any rail-road corpora-  
16 tion to unite their road with the road of the said South  
17 Shore Rail-road Company, with the like rights and  
18 privileges, and subject to the like restrictions, terms  
19 and conditions, and to such reasonable rules and regu-  
20 lations, as may be, for the like purpose, established by  
21 the said South Shore Rail-road Company.







## SENATE.....No. 74.

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### Commonwealth of Massachusetts.

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IN SENATE, Jan. 21st, 1846.

*Ordered*, That Messrs. Stone and Rising be a Committee, with such as the House may join, to consider and report on the expediency of repealing all provisions of law for the support of State Paupers.

Sent down for concurrence.

CHAS. CALHOUN, *Clerk*.

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HOUSE OF REPRESENTATIVES, Jan. 22, 1846.

Concurred—and Messrs. DIKEMAN, of Northampton;  
FITZ, of Haverhill;  
OBER, of Boston;  
DRURY, of Rowe, and  
NEWHALL, of Berkley, are joined.

C. W. STOREY, *Clerk*.



## Commonwealth of Massachusetts.

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The Joint Special Committee, appointed to consider the expediency of repealing all provisions of law for the support of State Paupers, have attended to the duty assigned them, and offer the following

### REPORT:

Although laws providing for the support of foreign paupers from the treasury of the State, have long existed in this Commonwealth, and though the evils resulting from their operation have caused frequent modifications and amendments to be made; yet, experience has shown, notwithstanding all these attempts at improvement, that the inherent vices of the system are so inseparable from it, as, in the opinion of your Committee, to require the repeal of the system itself.

Your Committee believe it will be found, on investigation, that these laws are objectionable, because—

1st. Their operation is unequal.

2d. They have an injurious effect on paupers and on pauperism.

3d. They tempt town and city officers to go to the extreme verge of honesty in making out their accounts and establishing their claims.

The Committee on Accounts have, during the present session, engaged in a careful and thorough investigation of the operation of the laws in question, and we are assured the result of their examination fully sustains each of the above positions.

It is not the purpose of your Committee to go into the details of the testimony given in before the Committee on Accounts; that testimony will, probably, be laid before the Legislature in another form. It is sufficient for our purpose to say, that our former convictions of the impolicy of retaining our State Pauper laws have been strengthened and confirmed by the results of this investigation. It is now well understood, that every one concerned in constructing it, has been convinced of the existence of great evils, and that these can only be remedied by a repeal. When every past attempt to so modify the State Pauper laws, as to make their operation just and equitable, has proved a decided failure, it would seem by no means desirable, that further efforts of this kind should now be renewed.

While your Committee disapprove of a system thus unequal in its operation and vicious in its effects, it is their belief that existing laws for the support of State Lunatic Paupers, should be retained. On this topic we cordially adopt the following sentiments expressed by the Commissioners appointed in 1832.

“There are certain distresses, incidental to humanity, the inflictions of necessity and nature, which cannot be too openly or too liberally provided for. There is all the difference that can be imagined, both in principle and effect, between an institution for the relief of want, and an institution for the relief of disease. The one multiplies its objects. Not so the other. Open a door for the admission of the indigent, and we shall behold a crowd of applicants, increasing every year, because lured thitherward by the inviting paths of indolence and dissipation. Open a door for the admission of the diseased,—and, we may add, for the deaf and dumb, the insane, the idiot, the blind, and we shall have only a definite number of applicants. Men will become voluntarily poor. But they will not voluntarily become blind, or deaf, or maimed, or lunatic.”

Impressed with the conviction that the operation of the present laws, causes an influx of foreign paupers into this Commonwealth, and assured of the fact that placards have been posted in different places in Europe, urging the poor to emigrate to this country, and, assigning as a reason for so doing, that the State of Massachusetts makes provision for their sup-

port, your Committee have felt it their duty to report the accompanying bill, which will, if sustained, prevent Massachusetts from standing longer alone in offering a bounty on vagrancy and indolence.

Per order of the Committee.

JOS. STONE, *Chairman.*

**Commonwealth of Mass**

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In the year One Thousand Eight H  
Six.

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**AN ACT**

Concerning State Paupers and Al

**BE** *it enacted by the Senate and H  
tives, in General Court assembled, and  
the same, as follows :*

1   SECT. 1. No city or town sh  
2 treasury of this Commonwealth, f  
3 State paupers, except lunatics, aft  
4 May next, any compensation whate

1   SECT. 2. Every city and town  
2 support all poor and indigent pers  
3 town, having no lawful settleme  
4 whenever they shall stand in need  
5 raise moneys therefor, and for thei  
6 the same way that moneys for ot  
7 charges are raised.

1   SECT. 3. One half of the net amount of all mon-  
2   eys which may be received by any city or town,  
3   after the first day of May next, as the capitation tax  
4   on alien passengers, landed in said city or town,  
5   may be applied to its own use, the other half shall  
6   be paid into the treasury of the Commonwealth.

1   SECT. 4. From and after the first day of May  
2   next, the alien passengers referred to in Section  
3   three, Chapter two hundred and thirty-eight, of the  
4   Statutes of 1837, shall be required to pay the sum  
5   of three dollars each, instead of the sum of two dol-  
6   lars as is therein provided.

1   SECT. 5. All laws, inconsistent herewith are here-  
2   by repealed.





# SENATE.....No. 75.

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## Commonwealth of Massachusetts.

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IN SENATE, March 18, 1846.

The Joint Standing Committee on Roads and Bridges, to which was committed the Petition of Joseph Gerrish and others, praying that a law may be passed authorizing the State to purchase Chelsea Bridge, or to reduce and regulate the tolls thereon, report the accompanying Bill.

C. B. RISING, *Chairman.*



## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Six.

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### AN ACT

Regulating the Rates of Toll at Chelsea Bridge.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1    The Salem Turnpike and Chelsea Bridge Corpo-  
2    ration are hereby authorized, from and after the first  
3    day of May next, to demand and receive, at Chel-  
4    sea Bridge, over Mystic River, the following rates  
5    of toll, instead of the rates of toll heretofore estab-  
6    lished, to wit : for each horse and rider, four cents ;  
7    for each cart, farm, or market-wagon, truck, or sled,  
8    drawn by one beast, five cents ; for each additional  
9    beast, four cents ; for each horse and chaise, chair,  
10   sulk, cab, sleigh, buggy, or other pleasure wagon, six  
11   cents ; for each coach, carryall, omnibus, or other  
12   pleasure vehicle drawn by two horses, fifteen cents ;

13 by more than two horses, twenty cents ;  
14 son with hand-cart or wheel-barrow, ;  
15 each drift horse and neat cattle, two cen ;  
16 and swine, six cents per dozen ; one p ;  
17 more, to pass with each team free of ;  
18 other toll shall be taken at said Bridge t ;  
19 authorized.



# SENATE.....No. 76.

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## Commonwealth of Massachusetts.

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IN SENATE, March 21, 1846.

The Committee on Mercantile Affairs and Insurance, to whom was referred the petition of Stephen Jackman and others, praying for a change in the draw of the bridge built by the Eastern Rail-road Company across the Merrimack River,

### REPORT:

That questions of importance to the public having been brought to their attention in considering this petition, they think it best to state the grounds of their conclusion, lest they might seem to countenance the infringement of rights which, in their opinion, should be carefully protected.

A bridge was first erected at the place in question, by the Newburyport Bridge Company, chartered in the year 1826, with the right of taking tolls, and the obligation to make a draw in the bridge "not less" than thirty-eight feet in width; but with no reservation on the part of the Commonwealth that the charter should be subject to any subsequent alteration.

In 1836 the Eastern Rail-road Company was chartered, with the right to build a bridge across the Merrimack River, on the

site of this Newburyport Bridge, then standing, and with no provision as to a draw of any kind; but subject, under the Revised Statutes, to alteration of their charter at the pleasure of the Legislature. Of course, the Rail-road Company could not proceed without due regard to the rights of the Bridge Company; and they purchased all these rights, excepting that of preserving the usual passage for travellers and taking toll; thinking, probably, that the best mode of avoiding all subsequent disputes would be, to control the whole. It was one of the conditions of the purchase, that the Rail-road Company should "construct and maintain a suitable draw in said bridge, not less than thirty-eight feet wide," agreeably to the conditions of the charter of the Bridge Company.

Agreeably to the contract of sale, the old bridge was then removed; so that, at the time, no bridge existed there; and it was never re-built by the Bridge Company.

But, under the contract mentioned, the Rail-road Company built the bridge now standing, as their charter authorized them to do, on the site of the old bridge, placing it on the same piers, with a draw of the former width, about thirty-eight feet, but lowering the piers to a level which was forbidden by the charter of the Bridge Company of 1826.

In consequence of this breach of the conditions of that charter, there was some question of the right to take toll under it; and a confirmatory act was obtained in 1841, sanctioning these proceedings and renewing the right of the Bridge Company to take toll. In that act, which was obtained through the agency of the Eastern Rail-road Company, the bridge is denominated as *their* bridge; and it has continued to be so regarded by both parties to the agreement mentioned, the Bridge Company having no property there, except the piers and an easement, under the contract that they should have "the use" of one floor.

If the change asked for should be ordered, and the charter of the *Bridge* Company can be considered as affected by it, the inquiry is to be met, whether the Legislature have the power to make it. If only the charter of the *Rail-road* Company is to be affected, there is no doubt of the power.

The Newburyport Bridge Company make no objection to the

petition, not being eventually liable, since the agreement mentioned, for the cost of any change. Otherwise, they would have a just claim to indemnification, not to be fixed by the Legislature, but by arbitration.

The Eastern Rail-road Company oppose the petition, on the ground, that they are to be considered as the agents of the Bridge Company in respect to the lower half of the bridge, and as having acted, in rebuilding it, under the charter of 1826. They allege that this charter cannot now be altered, even in the width of the draw; and that, therefore, it would be useless to alter the upper half.

The Committee cannot view the matter in this light. The right to build on the site, has been purchased by the Rail-road Company. They have built a bridge upon it, as contemplated in their charter; and the whole structure is their property. The rights of the Bridge Company, except for passage and toll, seem rather to be merged for the present, in those of the Rail-road Company, than to have a separate existence in the latter company as an agent or an assignee; although the charter of 1826 remains in force and could be acted on as fully as ever, if that of the rail-road should be repealed.

If this be so, the right to order the change of the draw, is clear under the Revised Statutes; otherwise, it would be necessary to consider another point already alluded to.

It was argued to the Committee, that when the charter for a bridge, not within the Revised Statutes, contains a provision that the draw shall be "not less" than a certain number of feet in width, no right remains in the Commonwealth to make it wider, whatever the interests of navigation may require. But the authority that was understood to be cited to prove this, was not thought, on examination, to warrant the conclusion.

Whether the Commonwealth, in exercising such a right, should compel the proprietors of a bridge to bear the cost, was another question of interest. And it appeared to the Committee, that where proprietors had provided all the accommodation that seemed likely to be wanted at the time of building their bridge, they should not be made liable to provide for the new improvements of the age, after a lapse of twenty years or more,

if they were to be restricted to the same rates of toll as before, and had no means of obtaining ample indemnification from the public.

Another inquiry of great interest arose from the fact that this bridge lies within a collection district of the United States, and that it is really important that vessels of the largest size that are in use between New York and Liverpool, should occasionally pass the draw. Had the Commonwealth the right, constitutionally, to make a grant which cuts off the passage of ships owned, perhaps, in other States? If not, can the Commonwealth rectify the error by withdrawing, in part, its own grant; or must that depend on the action of the United States' Courts? A precedent was adduced from a neighboring State, where a draw was ordered to be widened under similar circumstances, because it did not provide for the navigation of the district, although the authority of the United States had not been interposed; and the regard that is due to the control of the general government over navigation, seems, at any rate, to furnish an additional motive for giving the accommodation required.

It was proved to the Committee, that the increase of ship-building on the Merrimack River is checked by the narrow dimensions of the draw in question, while the Merrimack-built ships are in great and growing favor in New York and elsewhere. It was proved also, that several hundred mechanics are established there who could not remove, to do their work elsewhere, without great inconvenience and loss; that the business could not be renewed below the bridge with the same advantage; and that it would require considerable outlay to establish the necessary yards and ways there, even if the proper positions for launching vessels could be selected.

The Committee, therefore, are of opinion, that the draw should be widened; and that it should be done by the Eastern Rail-road Company. They think that in such instances the cost should be borne by that portion of the public for whose accommodation the obstruction has been erected, if they can be reached; that is, in the present case, chiefly those who travel over the bridge in the rail-road cars. The company

have the power of reaching them through their fares. There is no restriction as to the rate of fares, though there is as to the limit of profits, which shall not, on the whole, exceed ten per cent. per annum. The company can, at pleasure, raise their fares for a short time, until they shall be reimbursed for the cost incurred, without affecting the limit fixed for their profits.

The Committee, therefore, report the accompanying bill.

THOS. G. CARY, *Chairman.*



**Commonwealth of Massachusetts.**

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In the Year One Thousand Eight Hundred and Forty-Six.

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**AN ACT**

In addition to an Act to incorporate the Proprietors of the Newburyport Bridge, and to an Act to incorporate the Eastern Rail-road Company.

Whereas it appears that the draw in the bridge over the Merrimack River, belonging to and used by the said proprietors of Newburyport Bridge, and the said Eastern Rail-road Company, under and by virtue of their respective charters, and the several acts in addition thereto, as the same is now constructed, is not in a suitable position to afford sufficient depth of water, and is not of sufficient width to admit of the free and easy passage through the same, of all vessels having occasion to pass the same in navigating the waters of said river, which constitute a portion of the navigable waters of the United States, inasmuch as ports of delivery are established by the laws thereof above the said bridge; therefore,

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1 SECTION 1. The said proprietors of the New-  
2 buryport Bridge and the said Eastern Rail-road

3 Company, are hereby required to make and complete, within six months from the day of the passage of this act, a suitable draw in said bridge, of not less than fifty feet in width, over that part of the said river which runs under the span of the said bridge, now existing between the present draw and the channel; to be constructed and finished in such manner as shall be approved of by commissioners to be for that purpose appointed by the governor and council, and at the expense of the said corporations, or either of them, according to their respective joint or several legal obligations to keep and maintain a draw in said bridge, pursuant to the charters and acts aforesaid.

1 SECT. 2. From and after the expiration of the said six months, if the said draw herein required to be made shall not have been made, and completed as aforesaid, the said bridge, or so much thereof as shall interfere with the safe and free navigation of the said river, shall be considered and taken to be a public nuisance, and may be abated as such, in the same manner in which any other obstruction or nuisance in navigable waters may, by law, be abated or removed; and the said corporations shall be, jointly and severally, liable to all persons navigating said river or desirous to navigate the same, for all losses, costs, and damages, which they may severally, from time to time, sustain by reason of the omission to make and complete such draw.

1 SECT. 3. If, upon further examination to be made by the said commissioners, it shall appear to them that the draw now existing in said bridge may be made of the width of fifty feet, and that the channel above and through, and below the same, may be made and

6 maintained of sufficient depth to admit of the pas-  
7 sage of vessels without interruption or delay at all  
8 times of tide ; and the said corporations, or either  
9 of them, shall undertake and agree to keep and  
10 maintain said channel of such depth and clear from  
11 obstruction, and such draw shall be so widened and  
12 said channel shall be so prepared and cleared, within  
13 the said six months, then the obligations, require-  
14 ments and forfeitures, set forth and imposed by the  
15 first and second sections of this act, shall cease and  
16 determine : *provided, however*, that if, at any time  
17 hereafter, the said draw shall be found insufficient or  
18 otherwise unsuitable, or the said channel shall not  
19 be made or maintained of sufficient depth and free  
20 from obstruction, so as to admit of the free passage  
21 of vessels, as aforesaid, it shall be lawful for the  
22 Legislature to require the construction of such other  
23 draw, in such other position as shall seem necessary  
24 or expedient, any thing in this act to the contrary  
25 notwithstanding.

1 SECT. 4. Nothing herein contained shall be con-  
2 strued to alter or impair any obligations of the said  
3 corporations, or of either of them, to keep, maintain,  
4 and tend the draw now existing, until that hereby  
5 required to be made shall have been completed, nor  
6 to alter or impair their obligations for the mainte-  
7 nance of a suitable draw in said bridge, under their  
8 respective charters, and the acts in addition thereto ;  
9 but all such obligations shall remain in full force and  
10 apply to the maintenance and care of the draw  
11 hereby required to be made, or of the present one,  
12 if altered, as aforesaid, in the same manner as if it  
13 had been originally provided for in the said charters.

## SENATE.....No. 77.

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### Commonwealth of Massachusetts.

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*To the Honorable President of the Senate :*

SIR :—I herewith transmit, for the use of the Senate, a Report and schedules, in compliance with an order of the 5th inst.

I am very respectfully,

Your obedient servant,

GEO. W. COFFIN,  
*Land Agent.*

*Land Office, March 24, 1846.*

## Commonwealth of Massachusetts.

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*To the Honorable Senate of the Commonwealth of Massachusetts :—*

GENTLEMEN.—In obedience to an order of the Honorable Senate, of the 5th instant, requesting me to report for the use of the Senate, a statement of the moneys collected, or now due to the State, for the sale of lands, for stumpage of lumber cut under permits, and what has been cut by trespassers, and the amounts which have been received for advances on permits, &c.:

I have the honor herewith to transmit several schedules, made conformably to the order. To extract the same from my accounts for a series of years, has required a great deal of time, which, together with the constant interruptions which I am subjected to, by the calls upon my official duties, have prevented me from making an earlier reply.

Schedule marked A, contains an account of the sales of land in the years 1834 to 1845, inclusive. The notes received have been deposited in the treasury office, from time to time, soon after they came into my hands, consequently, it is only from that department that a full statement can be obtained, when and how the collections have been made. Yet, as in all the sales of lands, till payments are completed, the Commonwealth holds a lien upon the timber which may be cut, as security for the payment of the notes. Accordingly, I have received from the treasury department, from time to time, lists of the unpaid notes, and have kept a supervision over the cutting of timber, to see that the proceeds were applied to the payment of the notes aforesaid. As I am generally known to the purchasers of the lands, many of them have transmitted funds to me for the amount of stumpage which has been endorsed on their

notes, as will appear by the schedule marked B. Others have paid the sums due, directly into the treasury, without my intervention.

When I first entered upon the duties of this office, I found it had been customary for the lumber men to enter indiscriminately upon the public lands, and cut timber when and where they pleased, without any right whatever, believing that they had a prescriptive right so to do. I immediately joined with the land agent of Maine, in publishing, in several newspapers, a notice, forbidding all such illegal entries, and if persisted in all the depredators would be prosecuted. Notwithstanding said notice many continued their operations; we were, therefore, obliged to cause their timber to be seized, and brought sundry actions for trespass. In doing which, we had to contend, not only with the lumber men, but against the secret influence of those who had furnished them with supplies. After some tedious trials, we finally succeeded in getting judgments, but expensive costs of court and other charges, used up the value of the timber seized, and left nothing to remunerate us for the loss of the timber, except the satisfaction of teaching lumber men, and others, that they could not continue the practice with impunity. I represented these facts to the Executive of this Commonwealth, and recommended that licenses should be granted, legalizing the cutting of timber, where the same was exposed to depredation; as we should then probably get paid for the timber which otherwise would be taken away, and we should never derive any benefit therefrom. The Legislature soon after authorized granting licenses, and I have the satisfaction to state, that this course had an immediate effect to put a stop to trespassing, and the land has consequently risen in value gradually ever since. After one or two years' experience in the operation of granted licenses, I found it was necessary to have some trustworthy persons employed, to survey the timber and look after the several teams employed. Some of the licenses not having been used, we were put to some needless expense; to guard against this in future, the sum of fifty dollars was required to be deposited for each team, which was credited when settling the amount of stumpage. The permits

granted on the St. John's waters were subjected to the same advance, but not to be credited in settling the tonnage. The moneys received for advances thus made will appear by the schedule marked C.

The amount of timber cut on the unsold lands, will appear by the schedule marked D, with the names of the persons paying the same, and the tracts, or townships, from which it was taken; also the amount due and unpaid, and the price per ton, or per thousand, except in cases where a variety of timber was cut under the same permit at various prices. Pine timber has ranged at from two to four dollars per thousand feet, and from one to two dollars per ton of forty cubic feet, other kinds of timber at about half said prices.

There has been very little timber cut by trespassers, as will appear by the schedule marked E. Some has been cut under pretended mistake. I have generally preferred rendering this as regular rather than as trespass, making such persons pay something additional as smart money.

Schedules marked F and G exhibit an aggregate account of the receipts and payments.

All which is respectfully submitted.

GEO. W. COFFIN,  
*Land Agent.*

*Land Office, March 23d, 1846.*

## ABBREVIATIONS.

W. E. L. S. for West of the East line of the State.

N. B. K. P. for North of Bingham's Kennebec purchase.

W. B. K. P. for West of      do.              do.              do.

N. W. P. for North of the Waldo Patent.



**A**  
*Account of SALES OF LANDS since the year 1833, viz :*

Year.	To whom sold.	Where situated.	Number of Acres	Amount received in Cash.	Amount received in Notes.	Total Amount.
1834	William Everson, Alfred Hodges, Joseph Kingsbury, Samuel Wales, Lebbeus Bates, Jacob Nash, Benedict Fenwick, Roland Carlton, Reuben Coburn, Charles S. Homer, Robbins & Buss, Enos Runnella, Noah Hill, Abner Coburn, Brown & Sylvester,	A settler's lot, part of No. 43, in the town of Surry, Surplus of a soldier's lot, No. 84, in T. No. 2, R. 7. W. E. L. S. do. do. No. 96, do. do. do. do. No. 56, in T. No. 2, R. 3. N. B. K. P. do. do. No. 67, do. do. do. do. No. 78, do. do. West half of Township No. 2, R. 5. W. E. L. S. A settler's lot, No. 28, in Surry, Surplus of a soldier's lot, No. 54, in T. No. 2, R. 3. N. B. K. P. do. do. No. 22, do. do. do. do. No. 91, do. do. do. do. No. 44, do. do. do. do. No. 100, do. do. A settler's lot, No. 1, R. 10, in T. 4, R. 2. N. B. K. P. A tract lying between the grant to Sandwich Academy and Bingham's Kennebec purchase, A settler's lot, No. 21, in Surry, Surplus of a soldier's lot, No. 112, in T. No. 2, R. 3. N. B. K. P. A tract called little W, at the north end of Moosehead Lake, Surplus of a soldier's lot, No. 113, in T. No. 2, R. 3. N. B. K. P. A strip of land between the towns of Jonesboro' and Machias, Surplus of a soldier's lot, No. 34, in T. No. 2, R. 3. N. B. K. P. do. do. Nos. 114 & 115, do. do. do. do. No. 40, do. do. Islands No. 4, No. 5, and No. 6, near Old Town Island,	30 16 20 34 324 94 10,878 160 34 214 44 14 164 100 1,638 160 134 2,927 194 1,300 164 34 114 .	\$30 00 8 00 10 00 1 88 16 25 4 62 2,737 50 32 00 1 50 10 50 2 00 87 8 38 50 00 420 16 54 00 6 87 1,209 25 9 75 100 00 8 37 1 62 5 87 1,887 50	. . . . . . . . . . . \$10,800 00 128 00 . . . . . . . . . . . . 1,716 62 106 00 . . 6,840 00 . . 300 00 . . . . 1 62 5 87 . .	\$30 00 8 00 10 00 1 88 16 25 4 62 13,597 50 160 00 1 50 10 50 2 00 87 8 38 50 00 2,145 78 160 00 6 87 8,049 25 9 75 400 00 8 37 1 62 5 87 1,887 50
1835	Thomas Cushing, Lendal Underwood, James T. Hobart & Samuel Cole, Elizabeth Burbank, Joseph Whitney, Lucy Morse, Eli Prouty, Samuel B. Wallcott, Wadleigh & Purinton,					

D. Hammond,	A tract of land called great W, at the north end of Moosehead Lake,	10,661	4,264 00	17,058 00	21,322 00
Isaac Means, Lot, Clark & others,	East half of Township No. 2, R. 5. W. E. L. S.	10,878	3,267 00	13,050 00	16,317 00
William R. Miller,	Township letter A, R. 8 & 9, do.	18,295	2,741 25	10,960 00	13,721 25
James Irish,	South half of Township No. 2, R. 4, in Oxford County,	11,040	1,108 97	4,416 00	5,524 97
James Read & others,	Township No. 5, R. 7. W. E. L. S.	22,080	8,876 16	35,328 00	44,204 16
Henry Warren,	A tract of land near the N. E. corner of Eddington,	500	250 00	.	250 00
A. Coburn & others,	East half of Township No. 3, R. 3. N. B. K. P.	11,040	6,624 00	26,496 00	33,120 00
S. H. Blake & others,	Township No. 3, R. 5. W. E. L. S.	17,255	6,936 10	27,600 00	34,536 10
D. Hammond,	Township No. 3, R. 4. N. B. K. P.	22,080	8,832 00	35,328 00	44,160 00
Jacob McGaw,	Twenty lots of land in the town of Surry,	3,116	1,046 80	2,078 00	3,124 80
S. H. Blake & others,	Six lots of land in Township No. 3, R. 5. W. E. L. S.	2,069	911 23	2,715 60	3,626 83
Wm. P. Cummings,	An Island in Moosepeck Reach, called Driscow's Island,	80	75 00	85 00	160 00
Richard J. Cleveland,	Southeast quarter of T. No. 6, R. 8. W. E. L. S.	2,755	1,801 77	7,207 08	9,008 85
Fiske & Bridge,	An Island near the shore of Milford, called Smith's Island,	14	250 00	.	250 00
Abner Coburn and Isaac Farrar,	The lots reserved in the strip sold to Wm. Bingham, in Townships No. 3, R. 3, No. 5, R. 3, No. 5, R. 2, and A, R. 2. W. B. K. P.; and in the towns of Columbia, and No. 18 and No. 13, near Machias,	2,880	2,880 00	.	2,880 00
Milo L. Bennett, C. H. Coffin & others,	Township No. 6, R. 9. W. E. L. S.	11,364	11,971 80	47,887 20	59,859 00
Charles H. Coffin,	West half of T. No. 6, R. 8. do.	5,510	5,096 75	20,387 00	25,483 75
Milo L. Bennett & others,	Township No. 5, R. 9. do.	5,510	1,267 30	5,069 20	6,336 50
Amos H. Hodgman & others,	Northeast quarter of T. No. 6, R. 8. W. E. L. S.	2,755	2,755 00	11,020 00	13,775 00
Benjamin Goodridge,	The lot reserved in Township letter B, in Oxford County,	320	640 00	.	640 00
E. H. Scribner & others,	A surplus of a soldier's lot, No. 123, in T. 2, R. 3. N. B. K. P.	384	38 50	.	38 50
Mary McConnell,	do. No. 120, in T. 2, R. 7. W. E. L. S.	11	11 00	.	11 00
Humphrey Alden,	do. do. No. 102, in T. 2, R. 3. N. B. K. P.	15	15 00	.	15 00
William Jameson,	Sundry small Islands in the Stillwater branch of the Penobscot River,	2	50 00	.	50 00

## SALES OF LANDS—Continued.

Year.	To whom sold.	Where situated.	Number of Acres.	Amount received in Cash.	Amount received in Notes.	Total Amount.
1836	Isaac Gliddon & others	A gore of land in the town of Jefferson,	200	\$100 00	.	\$100 00
	Henry Blake, .	A small piece of land at South Boston,	14	1,700 00	.	1,700 00
1837	William Freethy, .	A lot of land in the town of Penobscot. No. 76. .	65	98 00	.	98 00
	Nathaniel Lord, .	Five small Islands, called Grassy Islands, near Orson's Island, in Penobscot River, .	4	125 00	.	125 00
	Thomas W. Smith, .	A tract of land lying west of T. No. 2, R. 7, and north of No. 2 and No. 3, R. 6. W. B. K. P. .	2,500	1,000 00	\$4,000 00	5,000 00
	John Anderson, Agent for the U. S. .	A small Island, or ledge, in Penobscot Bay, called and known as Saddle-back ledge, .	1	5 00	.	5 00
	David Alexander, .	Two small Islands in Narraquas Bay, called Gonor & Traffon's, .	100	114 00	.	114 00
1838	Erastus Foote, .	A small Island in Penobscot Bay, called Lime Island, .	124	75 00	.	75 00
	James Ruth, .	A settler's lot, No. 122, in Township A, R. 2, W. E. L. S. .	102	102 00	.	102 00
	James Thiple & others	Seven settlers' lots, No. 60, 61, 62, 83, 84 and 85, do. do. .	579	578 79	.	578 79
1839	Jabez Mowry, .	The flats in front of lot No. 1, in the 2d part, 2d div., in Lubec, do. No. 2, .	.	100 00	.	100 00
	Solomon Thayer, .	South half of Township No. 7, R. 10. W. E. L. S. .	5,705	1,996 92	7,987 72	9,984 64
	Ira Wadleigh and Samuel Smith, .	Township No. 6, R. 10. W. E. L. S. . . . .	11,365	4,545 80	18,183 20	22,729 00
	Nicholas G. Norcross, .	The southerly part of T. No. 4, R. 13. W. E. L. S. .	4,813	1,200 00	4,800 00	6,000 00
	George K. Jewett, .	The west part of T. No. 4, R. 12, do. .	5,438	1,200 00	4,800 00	6,000 00
	C. & W. D. Crocker, .	Several small Islands in Penobscot Bay, called Little Bermuda, Saddle, Job's, Ensign, Horse Head, and Mark Island, .	75	150 00	.	150 00
	S. P. & H. Strickland, .	East half of Township No. 5, R. 10. W. E. L. S. .	5,520	840 00	3,360 00	4,200 00
1840	Samuel Smith, .	A mile strip in Township No. 7, R. 10, do. .	1,853	500 00	2,000 00	2,500 00
	William Howard, .	Seven lots, No. 52, 63, 75, 76, 93, 97 and 98, in T. A, R. 2. W. E. L. S. .	756	395 08	.	395 08

1841	George A. Pierce, Joseph Floyd, Lewis Hancock, Samuel Smith, Nicholas G. Norcross, Ira Fish, Isaac Lewis, Alfred Cushman, John W. Veazie, Samuel Smith,	Two lots in Township letter B, R. 10. W. E. L. S. West half of Township No. 7, R. 9. Township No. 6, Range 11. Northwest quarter of T. No. 5, R. 10. Southeast quarter of T. No. 4, R. 14. A settler's lot, No. 2, in T. No. 3, R. 5. Two lots, No. 30, and No. 31, do. Three lots, Nos. 4, 5, and 6, do. Township No. 14, R. 6. Southwest, S. E. and N. E. quarters of T. No. 10, R. 7, and the East half of T. No. 11, R. 7. W. E. L. S.	189 5,494 1/2 11,394 2,866 3,106 95 648 244 22,080	188 00 1,098 85 3,550 00 574 00 776 50 112 25 850 56 322 55 4,416 00	188 00 4,395 40 14,200 00 2,926 00 3,106 00 112 25 850 56 322 55 17,664 00	188 00 5,494 25 17,750 00 2,866 00 3,882 50 112 25 850 56 322 55 22,080 00
1842	Thomas F. Gould, Samuel Smith, do. do. Benjamin Dyer, Samuel Smith, William R. Miller, Dominicus Parker, do. James Smith, Elhanan McFaden, Samuel Smith, Cyrus S. Clark, Frederick A. Heath, Benjamin Dyer, Francis Blackman, Shepard Boody, do. Samuel Smith, do. do. do.	East half of T. No. 13, R. 7. Southeast quarter of T. No. 7, R. 14. Northwest quarter of T. No. 5, R. 15. Township No. 6, R. 15. An undivided half of the East half of T. No. 3, R. 3. N. B. K. P. Northwest quarter of T. No. 10, R. 7. W. E. L. S. A part of Township A, R. 8 and 9. North half of Township No. 9, R. 7. North half of Township No. 16, R. 6. An Island in Penobscot Bay, called Mark Island, Several small Islands in Kennebec River, opposite Embden, Township No. 13, R. 5. W. E. L. S. Township No. 15, R. 5. An Island in the town of Roxbury, called Pine Island, Township No. 8, R. 10. W. E. L. S. " No. 7, R. 12. " No. 8, R. 12. " No. 7, R. 13. " No. 8, R. 13. " No. 8, R. 14. " No. 6, R. 12. " No. 6, R. 14.	27,600 11,040 2,960 2,692 11,325 5,480 18,295 11,040 11,040 12 21 1/2 22,080 22,080 11,360 11,620 11,062 11,646 11,418 11,410 11,277 11,394	4,470 00 2,392 00 606 80 821 06 2,865 22 1,380 00 898 00 1,324 00 1,324 00 12 50 15 00 2,650 00 2,730 44 100 00 1,149 38 4,218 06 4,225 80 2,725 21 5,001 05 3,411 70 3,913 22 2,529 54	17,866 00 9,567 96 2,427 20 3,284 24 11,460 88 5,520 00 3,312 00 1,463 40 5,300 00 5,300 00 12 50 15 00 10,598 00 10,915 00 4,597 52 16,572 24 16,903 20 13,636 05 20,004 20 13,646 80 15,652 88 10,118 16	22,356 00 11,959 86 3,034 00 4,105 30 14,326 10 6,900 00 4,140 50 1,829 50 6,624 00 6,624 00 12 50 15 00 13,248 00 13,645 44 5,746 90 21,090 30 21,129 00 13,636 05 25,005 25 17,058 50 19,566 10 12,647 70

## SALES OF LANDS—Continued.

Year.	To whom sold.	Where situated.	Number of Acres	Amount received in Cash.	Amount received in Notes.	Total Amount.
1844	John Goddard and James Jenkins.	North third part of No. 7, E. 10. W. E. L. S.	3,852	\$389 05	\$1,556 20	\$1,945 25
	S. P. & H. Strickland, Samuel Smith and Franklin Adams.	Southwest quarter of No. 5, R. 10. do.	2,654	268 05	1,072 20	1,340 25
	Cyrus S. Clark, Samuel Smith, do.	Township No. 5, R. 14. do.	10,886	1,088 65	4,354 00	5,443 25
	do.	" No. 8, R. 11. do.	11,397	1,367 64	5,470 56	6,838 20
	do.	" No. 12, R. 6. do.	22,080	2,208 00	8,832 00	11,040 00
	do.	" No. 8, R. 9. do.	10,989	3,299 70	13,198 80	16,498 50
	Thomas J. Hobart, Samuel Smith, do.	Lot No. 3, section No. 8, in T. G. R. 2. W. E. L. S.	82	82 37	7,065 00	82 37
	do.	South halves of T. No. 16, R. 6, and No. 9, R. 7. W. E. L. S.	22,080	1,767 00	8,320 00	10,400 00
	Thomas J. Hobart, John G. Weld, John Goddard, Ira Fish, do.	Township No. 9, R. 5. W. E. L. S. do.	5,440	2,080 00	8,320 00	10,400 00
	do.	Lot No. 1, section No. 3, in T. G. R. 2. W. E. L. S.	319	360 75	340 75	340 75
1845	do.	West half of T. No. 13, R. 7. do.	11,040	1,128 84	4,416 00	5,544 84
	do.	Township No. 14, R. 4. do.	22,080	2,210 00	8,830 00	11,040 00
	do.	North half of section No. 1, in T. No. 9, R. 5. do.	320	334 00	334 00	334 00
	do.	Release of the North half of No. 6, R. 9. N. W. P.	7,905	471 00	471 00	471 00
	Wm. R. Bannister, Wm. H. McGrillis, Cyrus S. Clark, do.	East half and S. W. quarter of T. No. 5, R. 15. W. E. L. S.	11,040	1,185 83	4,743 28	5,929 11
	do.	East half of T. 15, R. 7. W. E. L. S.	11,040	1,267 22	5,583 00	6,850 22
	do.	North half of T. 10, R. 6. do.	1,260	1,359 60	5,430 00	6,789 60
	Abner Coburn, Wm. H. McGrillis, Cyrus S. Clark, do.	Twelve lots in Township No. 4, R. 2. N. B. K. P.	1,260	350 00	350 00	350 00
	do.	West half of T. 15, R. 7. W. E. L. S.	11,040	1,278 47	5,163 90	6,442 37
	do.	West half of T. 8, R. 6. do.	11,040	1,243 80	4,980 00	6,223 80
1846	do.	West half of T. 9, R. 3. do.	11,040	1,243 80	4,980 00	6,223 80
	George M. Porter, do.	Release of T. No. 1, R. 4, West of the Saint Croix River,	702 50	702 50	702 50	702 50
			692,834	\$180,025 17	\$666,170 08	\$846,195 25

## B.

ACCOUNT OF TIMBER cut on several townships and tracts of land, which are sold; the proceeds, when received, to be endorsed on the several Notes in the Treasury, given for the purchase of said lands, viz.

Date.	Tract.	PERMITTEE.	Amount.	Amount Endorsed.	Amount Due.
1846. Jan. 1.	No. 10, R. 7, N. W. qr. S. W. qr.	Smith & Leadbetter,	\$3199 65	.	\$3199 65
	" 3, R. 3, E. half, N. E. qr.	Smith & French, .	841 46	.	861 46
	" 13, R. 5, do.	Samuel Smith, .	2114 69	\$2114 69	1848 97
	" 12, R. 6, do.	Nathaniel Blake, .	2359 82	2359 82	.
	" 14, R. 6, do.	do.	3117 26	.	3117 26
	" 16, R. 6, do.	Pattee & Hayward, Fish & Perley, .	2064 44	2064 44	.
	" 11, R. 7, E. half, do.	J. W. Venzie, .	5803 69	5803 69	.
	" 13, R. 7, E. half, do.	William R. Miller, William H. Cary, Jr.,	16332 94	10429 11	5903 83
	" 9, R. 7, do.	Smith & West, .	282 19	282 19	.
	" 13, R. 7, E. half, do.	do.	1487 50	.	1487 50
	" 9, R. 7, do.	do.	3765 00	.	3765 00
	" 14, R. 4, do.	West & Dyer, .	926 00	.	926 00
	" 10, R. 5, E. half, do.	J. Sinclair & Co., .	2478 00	.	2478 00
	" 11, R. 5, E. half, do.	Ira Fish, .	5151 00	4168 29	983 34
	" 12, R. 5, E. half, do.	Samuel Smith, .	4031 21	4031 21	.
	" 10, R. 7, N. half, do.	do.	1460 10	.	1460 10
	" 9, R. 7, N. half, do.	Samuel F. Hovey, .	4450 50	.	4450 50
	" 16, R. 6, N. half,	Samuel Smith and D. Pingree,	961 21	961 21	.
	" 16, R. 6, N. half,	do.	4347 00	.	4347 00
	" 16, R. 6, N. half,	do.	138 00	.	138 00

## ACCOUNT OF TIMBER CUT—Concluded.

Date.	Tract.	PERMITTEE.	Amount.	Amount Endorsed.	Amount Due.
1846. Jan. 1.	No. 5, R. 9, W. half, " 7, R. 14, S. E. qr. " 5, R. 15, N. W. } and [qr.] " 6, R. 15, W. half, " 7, R. 9, W. half, do. " 5, R. 9, W. half, " 7, R. 14, S. E. qr. " 6, R. 12, " 6, R. 14, " 6, R. 15, " 5, R. 15, N. half, " 7, R. 12, W. half, " 8, R. 13, " 8, R. 14, S. E. qr. " 7, R. 13, " 5, R. 14,	Milo L. Bennett, . Ebenazer Doggett, . Joel Bartlett and others, . Howard & Jenkins, Do. Gordon & Chandler, Ebenazer Doggett, David Pingree, . Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Daniel Scott, .	\$377 18 1241 50 1725 00 232 89 557 16 266 78 1241 50 7349 50 5784 55 3018 27 1040 37 3238 23 3852 73 5401 86 3198 76 6539 76 1871 46 114,118 76	\$377 18 1241 50 1725 00 232 89 557 16 266 78 1241 50 7349 50 5784 55 3018 27 1040 37 3238 23 3852 73 5401 86 3198 76 6539 76 1168 48 78,449 17	. \$702 98 35,609 59

## C.

*Amount received from sundry persons for advance on permit  
cut Timber, &c.*

Date.	Tract.	By whom paid.	Amount
1838-39	T. 9, R. 3,	Eleazer Packard, one team,	\$50
	" 9, R. 5,	Smith & Houlton, do.	50
	" 8, R. 6,	S. Cary, do.	50
	" 8, R. 4,	Thomas E. Perley, do.	50
	" 9, R. 7,	E. Webster, do.	50
	" 12, R. 6,	Z. Ingersoll, three teams,	150
1840-41	" 8, R. 6,	D. White, choice, & one team,	54
	" 3, R. 5,	G. W. Pickering, do. do.	55
	" 7, R. 9, E. 1,	N. G. Norcross, do. do.	51
1842-43	" F, R. 1,	Charles Perley, do.	50
	" 12, R. 6,	S. B. Pattee, do.	50
	" 9, R. 5,	Isaac B. Smith, do.	50
	" 12, R. 4,	B. Hussey, do.	50
	" 11, R. 3,	D. Fairbanks, do.	50
1843-44	" 16, R. 6,	S. Cary, do.	50
	" 6, R. 6,	Foster & Gilman, do.	50
1844-45	" 8, R. 6,	Ira Fish, do.	50
"	" 12, R. 6,	do. do.	50
	" 1, R. 2,	John B. Wing, do.	50
	" 13, R. 3,	Stratton & Currier, do.	50
	" 11, R. 3,	D. Fairbanks, do.	50
	" 12, R. 4,	T. J. Hobart, do.	50
	" 16, R. 4,	W. H. Cary, Jr., do.	50
	" 9, R. 5,	Isaac B. Smith, do.	50
	" 13, R. 5,	Nathaniel Blake, do.	50
	" 10, R. 6,	I. B. Smith, do.	50
	" 12, R. 6,	Ira Fish, do.	50
	" 16, R. 6,	Wm. H. Cary, Jr., do.	50
	St. Johns,	Half amount bonus on permits,	2015 50
	Penobscot,	Half amount permits on undivided,	275 00
	Little W,	E. H. Scribner, one team,	50 00
			3851 00



## D.

ACCOUNT OF TIMBER cut on the Public Lands since the year 1833, viz.

Date.	Tract.	Permittee.	By whom paid.	Surveyors.	Quantity.	Price. cents.	Amount.	Amount unpaid.
1834-35 do.	Unsurveyed, do.	Rufus Dwinel, A. M. Roberts and others,	John Hodgdon, do.	William Howard, do.	3573 T. 41 ft.	\$4261 83	-	-
1837-38 do.	do.	Franklin Adams,	F. Adams,	-	-	1922 27	-	-
do.	do.	M. L. Bennett,	M. L. Bennett,	-	-	477 10	-	-
do.	do.	Whitney, Cronkite & oth's,	Samuel Cook,	Samuel Cook,	-	3121 56	-	-
do.	do.	M. L. Bennett,	M. L. Bennett,	-	-	1100 00	-	-
1838-39	B, R. 1,	Bullough & Hooper,	-	Samuel Cook,	-	1057 56	-	-
1839-40	do.	Charles Connell,	Charles Connell,	-	158 T. 13 ft. } and 17,102 " }	-	186 84	\$186 84
1841-42	do.	James Crawford,	James Crawford,	do.	151 T. 33 ft.	-	174 78	-
1843-44	do.	Shepard & Ketchum,	Shepard & Ketchum,	do.	Birch, 247 " 33 "	-	309 92	-
do.	do.	Harvey & Trask,	-	do.	203 " 26 "	100	203 65	-
1844-45	B & C, R. 1,	Charles Connell,	Charles Connell,	do.	21,533 m.	-	22 41	22 41
1839-40	C, R. 1,	Thomas E. Perley,	-	do.	Birch, 672 T. 01 ft. } and 29,391 " }	-	441 32	-
1841-42	do.	do.	Charles Perley,	do.	1124 T. 04 "	100	1124 10	1124 10
1843-44	do.	Giberson, Perley & Co.	Giberson, Perley & Co.	do.	1498 " 04 "	100	1855 52	-
do.	do.	Patrick Collins,	Patrick Collins,	do.	and 50,849 "	-	282 80	-
do.	do.	Elliot & Racliff,	-	do.	233 T. 24 ft. } and 87,566 " }	100	286 66	-
1839-40	F, R. 1,	Thomas E. Perley,	-	do.	211 T. 39 "	124	18 88	18 88
1842-43	do.	Charles Perley,	Charles Perley,	Zebulon Ingersoll,	Shingles, 151 m.	100	1469 80	1469 80
1843-44	do.	do.	do.	do.	1027 "	100	1027 00	-
1844-45	do.	William Connell,	do.	do.	160 "	100	163 20	-
					321 "	132	423 72	423 72

1841-42 do.	A. R. 2, do.	Dupee & Lumbert, William Howard,	-	David Haynes, do.	-	74,073 m. 51,033 "	-	165 46	-
1844-45	do.	Daniel Howard,	-	do.	-	Shingles, 18 "	-	99 19	-
1837-38	C. R. 2, do.	Cook & Parks,	-	Samuel Cook,	-	880 T. 33 ft.	100	80 00	16 00
1838-39	do.	Cook & Houlton,	-	do.	-	613 " and }	100	613 77	575 33
1839-40	do.	John Hayward,	-	do.	-	29 " and }	-	52 50	-
1843-44	do.	Peter Lowell,	-	do.	-	Spruce, 100 m.	-	112 50	112 50
1844-45	do.	Dibble & Parks,	-	do.	-	do. 300 "	100	300 00	100 00
1841-42	G. R. 2,	William Johnson,	-	Zebulon Ingersoll,	-	89 T.	100	30 00	-
1843-44	do.	Dennis Fairbanks,	-	do.	-	98 "	100	98 00	-
1844-45	do.	do.	-	do.	-	50 "	125	62 50	62 50
1839-40	I. R. 2,	S. Cary,	-	do.	-	1289 " 26 ft.	100	1289 65	-
1841-42	do.	Adam Sharpe,	-	do.	-	34 "	100	34 00	-
1842-43	do.	Wm. H. Cary, Jr.	-	do.	-	554 "	125	632 50	-
1843-44	do.	John B. Wing,	-	do.	-	480 "	100	480 00	-
do.	do.	W. & J. Connell,	-	do.	-	336 "	125	420 00	420 00
1844-45	do.	Daniel Libbey,	-	Samuel Cook,	-	Spruce, 21,885 m.	100	21 88	21 88
1841-42	No. 2, R. 3,	Tobias Michaels,	-	do.	-	572,055 "	275	1588 51	-
1843-44	do.	Daniel Cummings,	-	David Haynes,	-	Shingles, 90 " and 15,400 }	-	42 09	42 09
1844-45	do.	George W. Cummings,	-	do.	-	150,115	-	326 56	283 40
1841-42	No. 5, R. 3,	James Crawford,	-	Samuel Cook,	-	145,844	150	234 17	-
1843-44	do.	Drew & Gould,	-	do.	-	45,000	-	47 50	47 50
1844-45	do.	Daniel Spaulding,	-	do.	-	174,627	-	149 51	47 88
1838-39	No. 9, R. 3,	Eleanor Packard,	-	do.	-	200 T. 18 ft.	100	200 45	100 45
1843-44	do.	Collins & Wymann,	-	do.	-	471 " 04 "	100	471 10	-
1844-45	do.	William Towle,	-	Z. Ingersoll,	-	81 "	176	142 56	142 56
1841-42	No. 11, R. 3,	Dennis Fairbanks,	-	do.	-	106 "	100	106 00	-
1842-43	do.	do.	-	do.	-	432 " and }	-	568 08	-
1843-44	do.	do.	-	do.	-	387 T.	125	483 75	-
1844-45	do.	do.	-	do.	-	273 "	125	341 25	341 25

## ACCOUNT OF TIMBER CUT—Continued.

Date.	Tract.	Permittee.	By whom paid.	Surveyors.	Quantity.	Price.	Amount.	Amount unpaid.
1841-42	No. 13, R. 3,	Stephen Burpee, -	Stephen Burpee, -	Z. Ingersoll, -	325 T.	cents. 100	\$325 00	-
do.	do.	Lewis Johnson, -	Lewis Johnson, -	do.	280 "	-	280 00	-
1842-43	do.	George W. Towle, -	Towle & Parsons, -	do.	1018 " and } 21,568 }	125	1344 00	-
do.	do.	Isaac Wilder, -	-	do.	20,000	312	62 40	\$62 40
do.	do.	Stratton & Currier, -	Stratton & Currier, -	do.	484 T.	125	605 00	-
1844-45	do.	Charles H. Shepard, -	-	do.	932 "	131	1220 92	1,220 92
do.	do.	E. Watson, -	-	do.	24,000 Bolts,	100	24 00	-
1842-43	No. 15, R. 3,	Z. Ingersoll, -	-	do.	730 T.	125	912 50	-
1838-39	No. 8, R. 4,	Thomas E. Perley, -	Oliver Frost, -	do.	2689 " 26 ft.	100	2689 65	1,192 15
1842-43	do.	Jer'h Trueworthy, -	T. E. Perley, -	do.	366 "	125	457 50	-
1844-45	do.	George Howe, -	S. Cary & Co. -	do.	374 "	153	572 22	572 22
1839-40	No. 10, R. 4,	Leonard Jones, -	-	do.	728 " 32 "	100	728 80	728 80
1842-43	do.	S. Cary, -	S. Cary & Co. -	do.	736 "	100	736 00	-
1843-44	do.	Alexander Woodward, -	Alexander Woodward, -	do.	129 "	125	161 00	-
1844-45	do.	Stephen P. Hews, -	-	do.	669 " and } 7280 }	178 } 223 }	1211 74	1,911 74
1838-39	No. 4, R. 4,	Jacob O. Rogers, -	-	Samuel Cook, -	Spruce, 182,815 m.	-	206 94	206 94
1844-45	do.	Samuel F. Hersey, -	Samuel F. Hersey, -	David Haynes, -	193,037	-	418 65	-
1841-42	No. 12, R. 4,	Tho's J. Hobart, -	Tho's J. Hobart, -	Z. Ingersoll, -	666 T.	100	666 00	-
1842-43	do.	Bachelor Hussey, -	Oliver Frost, -	do.	663 "	125	828 75	-
1843-44	do.	Tho's J. Hobart, -	do.	do.	382 "	125	477 50	-
1844-45	do.	Charles H. Shepard, -	-	do.	416 "	135	561 60	561 60
1842-43	No. 16, R. 4,	George G. Greene, -	S. Cary & Co. -	do.	1427 "	125	1783 75	-
1843-44	do.	Wm. H. Cary, Jr. -	-	do.	1073 "	125	1341 25	1,341 25
1844-45	do.	Leonard R. Coombs, -	J. G. Weld, -	do.	208 "	160	336 00	-
1841-42	No. 3, R. 5,	George W. Pickering, -	Edw'd Kimball & Co. -	David Haynes, -	117,024 m.	-	178 06	-

1843-44	No. 3, R. 5,	Samuel F. Hersey,	Samuel F. Hersey,	David Haynes,	192,753 m.	371 60	-
1844-45	do.	do.	do.	do.	436,046 "	837 74	-
1842-43	No. 9, R. 5,	Isaac B. Smith,	Lyman Houlton,	Z. Ingersoll,	825 T.	825 00	100
1843-44	do.	do.	Z. Ingersoll,	do.	561 "	561 00	100
1842-43	No. 13, R. 5,	Nathl Blake,	Oliver Frost,	do.	1571 "	1963 75	125
1843-44	No. 6, R. 6,	Samuel J. Foster,	-	David Haynes,	198,175 m.	435 66	435 66
1844-45	No. 8, R. 6,	Ira Fish,	Charles Perley,	Z. Ingersoll,	1116 T. and }	1404 31	1404 31
do.	do.	Jonathan Twitchell,	-	do.	2937 ft. }	51 54	-
1839-40	No. 10, R. 6,	Ebenezer Webster,	Ira Fish,	do.	15,454 m.	1130 70	1130 70
1842-43	do.	S. Cary,	Eben. Webster & Co.	do.	1130 T. 28 ft.	3113 "	100
1843-44	do.	do.	S. Cary & Co.	do.	3113 "	3113 00	100
1844-45	do.	Isaac B. Smith,	Z. Ingersoll,	do.	466 "	582 50	125
1839-40	No. 12, R. 6,	Ebenezer Webster & Co.	-	do.	1403 " and }	1847 79	1013 79
1841-42	do.	do.	-	do.	7400 ft. }	1703 47	1703 47
1842-43	do.	do.	McCollister,	do.	127 "	127 00	-
1843-44	do.	S. B. Pattee,	S. B. Pattee,	do.	1180 "	1475 00	-
1842-43	No. 16, R. 6,	Pattee & Hayward,	Pattee & Hayward,	do.	636 "	795 00	-
1843-44	do.	S. Cary,	S. Cary & Co.	do.	2224 "	2224 00	-
1842-43	No. 5, R. 7,	Samuel F. Hersey,	S. F. Hersey,	David Haynes,	359,741 m.	829 20	-
1844-45	do.	Harvey Reed,	Fiske & Norcross,	do.	58,000 "	87 00	-
do.	do.	T. H. Dillingham,	T. H. Dillingham & Co.	do.	68,451 "	155 00	-
1839-40	No. 9, R. 7,	Ebenezer Webster,	-	Z. Ingersoll,	920 T. 26 ft.	920 65	920 65
1842-43	do.	Ira Fish,	Oliver Frost,	do.	1032 "	1290 00	-
do.	No. 10, R. 7,	Oliver Frost,	do.	do.	2122 "	2652 50	-
do.	No. 11, R. 7,	Veazie & West,	G. W. Coffin & W.	do.	1537 "	1690 28	-
1843-44	W. 4, 11, R. 7,	Smith & West,	A. Wingate,	do.	672 "	840 00	840 00
1844-45	do. do.	West & Dyer,	-	do.	246,800 m.	770 01	770 01
1843-44	No. 13, R. 7,	Oliver Frost,	-	do.	84 T.	105 00	-
1842-43	No. 15, R. 7,	do.	Oliver Frost,	do.	775 "	968 75	-
1839-40	No. 8, R. 8,	Webster & Pilsbury,	do.	do.	300 "	300 00	300 00
do.	No. 8, R. 9,	do.	-	do.	-	-	-

## ACCOUNT OF TIMBER CUT—Continued.

Date.	Tract.	Permittee.	By whom paid.	Surveyors.	Quantity.	Price.	Amount.	Amount unpaid.
1843-44	W. 4, 3, R. 3,	Franklin Adams,	F. Adams & Co.	D. Parker,	69,055 m.	cents.	\$200 26	-
do.	No. 3, R. 4,	Daniel Hammond,	D. Hammond,	do.	171,492 "	250	421 02	-
1844-45	Little W. on	Eben'r H. Scribner,	E. H. Scribner,	Jonathan Matthews,	210,170 "	-	369 97	-
1841-42	Moose Head,	Hunt & Cannell,	T. H. Dillingham & Co.	John Shaw,	311,636 "	-	476 50	-
do.	E. 4, 7, R. 8,	Lambert & Burton,	Lambert & Burton,	do.	1,248,612 "	300	1968 86	-
1843-44	W. 4, 7, R. 8,	Jonathan Twitchell,	L. Bradley,	T. F. Jordan,	174,577 "	-	284 02	-
1844-45	E. 4, do.	Theo. H. Dillingham,	Hunt & Co.	Samuel Chapman,	499,700 "	-	986 11	\$608 61
1843-44	T. 8, R. 8,	Ira Fish,	Charles Perley,	R. B. Tarbox,	214,216 "	-	350 68	-
do.	do.	Jonathan Twitchell,	Jonathan Twitchell,	do.	168,140 "	-	228 96	-
1844-45	E. 4, 7, R. 9,	Burgess & Fogg,	Fogg & Burgess,	Samuel Chapman,	296,510 "	-	442 74	-
1843-44	T. 8, R. 9,	Ira Fish,	Ira Fish,	T. F. Jordan,	101,400 "	-	212 17	-
1841-42	N. 4, 7, R. 10,	James Thissle,	F. Adams & Co.	William Howard,	954,990 "	200	1992 78	-
1838-39	No. 7, R. 11,	F. Adams,	do.	do.	2,090,640 "	200	5381 28	-
1842-43	T. 7, R. 10,	Leonard Jones,	Leo. Jones & Co.	T. F. Jordan,	63,240 "	200	126 28	-
do.	T. 5, R. 11,	Wm. & Henry Soper,	-	do.	4,213 "	200	8 42	8 42
1843-44	do.	J. Jerard & D. Kendall,	L. Bradley,	do.	562,580 "	-	877 77	-
1844-45	do.	Cyrus S. Clark,	-	E. H. Stockman,	503,713 "	-	981 30	981 30
1842-43	T. 7, R. 11,	Murphy & Thissle,	-	William Howard,	90,420 "	200	180 84	180 84
1843-44	do.	M. Brayley,	-	T. F. Jordan,	2,063 "	-	3 91	3 91
1844-45	do.	A. M. Roberts,	A. M. Roberts,	R. C. Remick,	736,692 "	-	2223 49	-
do.	do.	Henry Soper,	-	Ansel Smith,	405,540 "	-	612 34	612 34
1841-42	T. 4, R. 12,	Geo. K. Jewett,	George K. Jewett,	G. W. Chase,	762,702 "	350	1284 73	-
1841-42	T. 5, R. 12,							

1844-45	T. 5, R. 12,	Cyrus S. Clark, -	C. S. Clark, -	Nath'l Collamore, -	281,088 m.	-	718 33	-
1841-42	T. 6, R. 12,	George K. Jewett, -	George K. Jewett, -	G. W. Chase, -	787,065 "	-	1327 37	-
do.	T. 7, R. 12,	Daniel White, -	Daniel White, -	John Libbey, -	243,140 "	-	400 49	-
1843-44	T. 5, R. 13,	Cyrus S. Clark, -	Levi Bradley, -	Nath'l Collamore, -	480,299 "	-	734 57	-
1841-42	T. 6, R. 13,	George K. Jewett, -	George K. Jewett, -	G. W. Chase, -	987,083 "	175	1711 12	-
1844-45	do.	Ira Wadleigh, -	-	Thomas C. Burleigh and R. Gibson, -	240,015 "	-	433 08	433 08
1841-42	No. 7, R. 13,	Samuel J. Foster, -	Daniel White, -	John Libbey, -	1,501,420 "	175	2607 74	-
do.	No. 8, R. 13,	S. & W. H. Smith, -	Levi Bradley, -	do.	457,130 "	175	851 54	-
do.	No. 7, R. 14,	Samuel White, -	Daniel White, -	do.	522,000 "	-	1010 80	-
1843-44	S. W. qr. do.	A. M. Roberts, -	A. M. Roberts, -	J. W. Stinchfield and Remick, -	312,143 "	-	606 20	-
do.	N. W. qr. do.	I. & J. Wadleigh, -	Levi Bradley, -	do.	626,920 "	-	999 88	-
1844-45	W. ½, do.	do.	-	Thomas C. Burleigh, -	748,995 "	-	1774 45	1774 45
do.	N. E. qr. do.	Fiske & Norcross, -	-	Sylvester Abbott, -	78,962 "	-	84 88	84 88
1843-44	No. 4, R. 15,	F. Adams & Co. -	Levi Bradley, -	Tho's C. Burleigh and Gibson, -	986,548 "	-	2130 85	-
do.	S. ½, 7, R. 15,	-	-	do.	555,190 "	-	990 08	-
1844-45	N. E. qr. do.	Avery & Dolc, -	Levi Bradley, -	Stinchfield & Remick, -	190,084 "	-	279 01	-
1843-44	No. 8, R. 15,	James Thiesle, -	-	Tho's C. Burleigh, -	528,337 "	-	832 86	-
1841-42	No. 4, R. 16,	Fiske & Norcross, -	-	Sylvester Abbott, -	497,079 "	-	737 27	-
1841-42	4, R. 17 & 18,	Lorenzo Leadbetter, -	George W. Pickering, -	-	360,950 "	-	645 57	-
1844-45	do.	J. M. & H. Lane, -	J. M. & H. Lane, -	Benjamin Vickery, -	206,042 "	-	303 77	-
do.	A, R. 8 & 9,	Wm. R. Miller, -	Samuel Veazie, -	-	-	-	366 10	-
do.	do.	do.	George F. Marston, -	-	-	-	282 19	-
1843-44	Madawaska,	Nath'l Bartlett, -	Johnson & Wheelock, -	John Webber, -	680 T. 14 ft.	125	850 43	-
do.	do.	Isaac Bolton, -	Hammond & Merrill, -	do.	53 " 10 "	125	66 56	-
do.	do.	Thomas Burpee, -	Glidden & Yerrington, -	do.	80 " 27 "	125	100 84	-
do.	do.	German Chasson, -	Tibbette, Pickard & Co. -	do.	325 "	125	406 25	-
do.	do.	Benjamin D. Curtis, -	Goode & Sinclair, -	do.	604 " 01 "	125	630 03	-
do.	do.	Joseph Cire and als. -	-	do.	113 " 19 "	125	141 84	-
do.	do.	John Charette and als. -	Hammond & Wheelock -	do.	45 " 10 "	125	56 56	-

## ACCOUNT OF TIMBER CUT—Continued.

Date.	Tract.	Permittee.	By whom paid.	Surveyors.	Quantity.	Price.	Amount.	Amount un- paid.
1843-44	Madawaska,	Joseph Dominic,	Rines, West & Rice,	John Webber,	64 T. 32 ft.	cents.	\$80 99	-
do.	do.	Frederic Davenport,	Wheelock & Hammond,	do.	108 " 38 "	125	136 17	-
do.	do.	James Grew,	Richard R. Ketchum,	do.	744 " 27 "	125	930 83	-
do.	do.	John Gardner and others,	Rines, West & Hammond,	do.	845 " 34 "	125	1057 30	-
do.	do.	Harford & Emery,	Goddard & Jenkins,	do.	189 " 25 "	125	237 02	-
do.	do.	Hall & White,	Abbot & Spaulding,	do.	1284 " 28 "	125	1605 87	-
do.	do.	B. Hunnewell,	J. & S. Glasier,	do.	1299 " 07 "	125	1658 97	-
do.	do.	James Harford,	Rines, West & Rice,	do.	64 " 29 "	125	80 90	-
do.	do.	Phineas Harford,	Goode & Curtis,	do.	185 " 18 "	125	231 81	-
do.	do.	E. Horton,	Levi Bradley,	do.	184 " 83 "	125	231 02	-
do.	do.	Wm. Johnson,	Rines, West & Rice,	do.	887 " 35 "	125	1109 83	-
do.	do.	Pascal Jeandreau,	Wm. and Isaac Johnson,	do.	32 " 32 "	125	40 99	-
do.	do.	James Keager and others,	P. & J. Langlais,	do.	77 " 77 "	125	96 25	\$48 12
do.	do.	Wm. Kilburn,	Rines & West,	do.	55 " 55 "	125	68 75	-
do.	do.	Francis Lebeau,	Hammond & Hunnewell,	do.	136 " 24 "	125	170 75	-
do.	do.	William Mullens,	Rines, West & Rice,	do.	122 " 11 "	125	152 84	-
do.	do.	Samuel Moore,	F. A. Perley and Savage,	do.	166 " 17 "	125	208 02	-
do.	do.	Paul Michaud and als.	Violet & Cormier,	do.	229 " 16 "	125	286 73	123 37
do.	do.	Francis Musserail,	Richard R. Ketchum,	do.	14 " 14 "	125	17 50	-
do.	do.	Louis Michaud,	C. S. Glidden & Yarring- ton,	do.	68 " 35 "	125	86 08	-
do.	do.	James Newgent,	Keegan & Parro,	do.	120 " 120 "	125	150 00	75 00
do.	do.	Electus Oakes,	Hunnewell & Glasier,	do.	27 " 08 "	125	34 31	-
do.	do.	Charles Peltier,	Glidden & Jewett,	do.	54 " 10 "	125	67 81	-
do.	do.	John Sinclair,	Rines, West & Hall,	do.	347 " 26 "	125	434 55	-
do.	do.	D. & M. Savage,	Glasier & Hunnewell,	do.	537 " 06 "	125	671 43	-
do.	do.	John M. Savage,	A. B. Hammond,	do.	460 " 17 "	125	575 52	-

1843-44	Madawaska,	J. Sinclair & Co.	Jewett & March, -	John Webber, -	1922 T. 02 ft.	125	1922 06	682 19
do.	do.	Louis Violet, -	Violet & Cire, -	do.	330 " 22 "	125	413 18	-
do.	do.	Jesse Wheelock, -	Bartlett & Webster, -	do.	446 " 37 "	125	558 64	279 32
do.	do.	Jamea Stickney, -	-	do.	8 " 35 "	125	11 00	-
Deduct one moiety								
				belonging to Maine,	-	-	132,460 48	
							7,889 86	
							124,570 62	
1844-45	Madawaska,	Bolton, Merrill & others, -	Levi Bradley, -	John Webber, -	6051 T. 38 ft.	125	5000 00	-
do.	do.	C. Glidden and others, -	do.	do.	9433 " 06 "	125	7161 15	2661 15
do.	do.	P. R. Harford and others, -	John Shea, -	do.	5459 T. 08 "	150	4094 39	-
do.	do.	Walker & Henderson, -	Levi Bradley, -	do.	1558 " 09 "	150	1168 67	-
do.	do.	Hughes & Moore, -	James E. Perley, -	do.	618 " 35 "	150	464 15	-
do.	do.	Savage, McLane & Dyer, -	R. & B. Kilburn, -	do.	1753 " 06 "	150	1314 86	314 86
do.	do.	J. & J. Harford & Mullen, -	Benjamin Goode, -	do.	711 " 04 "	150	558 14	-
do.	do.	Bransfield & Taber, -	Jacob McKeen, -	do.	386 T. 10 ft.	150	289 50	-
do.	do.	J. Gardner & J. Dubee, -	R. R. Ketchum, -	do.	1714 " 01 "	150	1285 61	-
do.	do.	James Grew, -	Pollock, -	do.	1023 " 25 "	150	767 72	-
do.	do.	Duncan Ross, -	Sinclair & Co., or T. Jones, -	do.	678 " 36 "	150	509 18	-
do.	do.	John Charette and others, -	Abraham Dufour, -	do.	554 " 18 "	150	415 83	415 83
do.	do.	Thomas Theriault, -	Thomas E. Perley, -	do.	223 " 15 "	150	107 53	-
do.	do.	Joseph D'Aigle, -	John Baker, -	do.	456 " "	150	342 00	-
do.	do.	Louis L. Albert, -	-	do.	87 " "	150	96 26	96 26
do.	do.	Niles & West, -	-	do.	and 55,963 "	150	312 65	312 65
do.	do.	G. R. 1, -	Thomas E. Perley, -	do.	231,032 "	125	56 62	-
do.	do.	L, R. 2, -	Charles Perley, -	do.	90 T. 24 "	125	815 72	-
do.	do.	do.	do.	do.	633 " 06 "	150	478 55	-
do.	do.	No. 17, R. 3, -	Levi Bradley, -	do.	634 " 28 "	150	598 97	-
					958 " 14 "	125		



## ACCOUNT OF TIMBER CUT—Concluded.

Date.	Tract.	Permittee.	By whom paid.	Surveyors.	Quantity.	Price.	Amount.	Amount un- paid.
1844-45	No. 18, R. 3,	John B. Wing,	John B. Wing,	John Webber,	302 T. 15 ft.	cents.	\$188 99	-
do.	17, R. 4,	Louis Heustis,	Louis Heustis,	do.	849 " 07 "	125	505 72	-
do.	18, R. 4,	do.	do.	do.	2130 " 03 "	125	1331 30	-
do.	do.	do.	do.	do.	809 " 07 "	150	604 88	-
do.	17, R. 5,	J. Sinclair & Co.	Jewett & March,	do.	2806 " 28 "	175	1849 88	-
do.	do.	do.	do.	do.	and 11,065 "	175	984 03	\$984 03
do.	do.	Daniel W. Bradley,	D. W. Bradley,	do.	1124 T. 24 "	175	1528 77	-
do.	do.	do.	do.	do.	2347 " 28 "	175	1513 61	-
do.	18, R. 5,	Thomas E. Perley,	Thomas E. Perley,	do.	1716 " 06 "	200	636 99	-
do.	do.	do.	do.	do.	and 1197 "	125	1507 27	-
do.	17, R. 6,	J. Sinclair & Co.	Jewett and March,	do.	1019 T. 07 "	150	2696 10	-
do.	do.	do.	do.	do.	2009 " 28 "	125	927 47	241 62
do.	18, R. 6,	James E. Perley,	James E. Perley,	do.	4130 " 28 "	125	597 89	-
do.	17, R. 7,	J. Sinclair & Co.	Jewett & March,	do.	and 51,514 "	125	1001 29	-
do.	do.	William Connell,	Levi Bradley,	do.	1483 T. 38 "	150	1007 25	-
do.	do.	do.	do.	do.	956 " 25 "	125	52 31	52 31
do.	18, R. 7,	J. & S. Glasier,	J. & S. Glasier,	do.	1591 " 24 "	125	4531 76	1338 04
do.	do.	J. Sinclair & Co.	Jewett & March,	do.	1343 " "	150	165 07	165 07
do.	Little Black River,	do.	do.	do.	83 " 28 "	125	347 81	-
do.	do.	do.	do.	do.	7195 " 32 "	125	203 18	-
do.	St. Francis,	do.	do.	do.	and 48,876 "	150	5409 68	5135 91
do.	do.	E. Houghton,	Amos Rines,	do.	220 T. 36 "	125	87 75	-
do.	Little Black River,	S. Cary & Co.	S. Cary & Co.	do.	588 " 20 "	125	-	-
do.	Great Black River,	do.	do.	do.	425 " 36 "	125	-	-
do.	On a brook,	do.	do.	do.	8645 " 13 "	300	-	-
					58 " 20 "		177,807 72	42,005 49

The timber cut on the undivided lands, being owned in moieties by each State, only half the price is set on the timber.

## E.

*Account of Timber cut on the Public Lands by trespassers, or cut without permit, viz.*

Date.	Tract.	By whom Cut.	Quantity.
1837-38	T. 13, R. 5,	Bull & Stratton, - - - -	412 T. 35 ft.
	12, R. 4,	do. - - - -	228 " 28 "
	do.	Thomas Beckwith—estimated, - -	100
	do.	Lewis Bradley & others, " - -	85
	I, R. 2,	Michael Cane, " - -	300
	do.	Dow & Kelley's, " - -	275
	15, R. 3,	do. by information, - -	900
		Johnson & McIndoe, about - -	800
		The above timber was taken away by the trespassers during the troubles on the Eastern boundary, and nothing has been received therefrom.	3101 T. 23 ft. .....
1841	5, R 7.	Hiram Smith and others, and now in suit,	829,679 m.
1841-42	C, R. 2,	Samuel Stackpole, - - - -	51,470 "
	C, R. 1,	——— Hiscock, - - - -	80 T. 36 ft.
	do.	Israel Colkins, - - - -	14 " 34 "

## F.

**A STATEMENT showing the aggregate amounts received for lands, timber, warrants on the treasury, commutation for deficiency for placing settlers on lands, &c., from 1834 to 1845, inclusive, viz :—**

Date.	Number of Acres of Land sold.	Amount received for Lands sold.	Amount received for Timber sold.	Warrants on the Treasury & appropriation for Roads.	Received for the commutation for settlers.	Rec'd for lands at S. Boston & Pine Isl. and in Ross's, &c.	Aggregate amount of the Receipts.
1834	16,054	\$28,937 05					\$28,937 05
1835	161,586	338,281 89	\$5,184 10				343,465 99
1836 to 1839	28,001	46,285 88	21,008 87	\$8,000	\$1,516 67	\$2,176	78,987 42
1840	31,347	37,538 08	21,130 21		387 95		59,056 24
1841	892	1,173 11	31,379 56		1,523 68	3,100	37,176 35
1842	22,080	22,080 00	13,400 56		417 00		35,897 56
1843	61,137	64,478 52	16,674 88				81,153 40
1844	224,862	224,284 19	35,610 49		265 93		260,160 61
1845	125,896	75,532 85	49,635 14		4,784 48		129,952 47
	671,855	\$838,591 57	\$194,023 81	\$8,000	\$8,895 71	\$5,276	\$1,054,787 09

## G.

**A STATEMENT, showing the aggregate amount paid into the Treasury in money and securities—amount paid for surveys, explorations and other expenses applicable to sales of land—amount paid for making roads, clearing streams, &c.—and for the expenses of the Land Office, &c.**

Date.	Amount paid in to the Treasury in money and securities.	Amount paid for Surveys, Explorations, &c.	Amount paid for making Roads, clearing Streams, &c.	Amount paid for the current expenses of the Land Office.	Total aggregate of the payments made.
1834	\$24,465 62	\$2,396 14	\$521 29	\$1,554 00	\$28,937 05
1835	339,908 96	1,617 54	385 49	1,554 00	343,465 99
1836 to 1839	45,976 20	3,712 40	27,744 82	1,554 00	78,987 42
1840	50,130 18	2,443 28	4,928 78	1,554 00	59,056 24
1841	23,651 70	2,135 52	9,825 52	1,563 61	37,176 35
1842	31,996 30	2,341 82		1,559 44	35,897 56
1843	68,581 59	10,604 86	1,312 95	654 00	81,153 40
1844	245,154 57	7,065 52	7,586 52	354 00	260,160 61
1845	123,054 25	5,543 55	1,000 67	354 00	129,952 47
	952,919 37	37,850 63	53,306 04	10,701 05	1,054,787 09

## SENATE.....No. 78.

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### Commonwealth of Massachusetts.

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IN SENATE, March 24th, 1846.

The Joint Committee on the Militia, to which was committed the Annual Report of the Adjutant General, report the accompanying Bill.

CALVIN WILLARD, *Chairman.*

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Six.

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### AN ACT

In addition to the several Acts concerning the Militia.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1    SECT. 1. The commanding officer of every com-  
2 pany raised at large, in addition to the returns now  
3 required to be made to the commanding officers of  
4 regiments and battalions, shall, within ten days after  
5 each of the days of inspection, trainings and review  
6 required by law, make, to the Adjutant General, a  
7 return of the number of men belonging to his com-  
8 pany, that appeared, armed, uniformed and equipped,  
9 and performed duty on any such day, together with  
10 the number of men belonging to his company that  
11 were absent—it being provided that not more than  
12 sixty-four in number, exclusive of musicians, shall

13 be so returned as having done such duty, excepting,  
14 in such companies as are allowed a larger number by  
15 law, and of musicians not more than four; and it  
16 being also provided that the commanding officer of  
17 the regiment or battalion to which any company may  
18 belong, shall certify that such company did, on the  
19 day of regimental field inspection and review, well  
20 and faithfully perform all the duties required by law  
21 on such day, in default of which, any such company  
22 shall forfeit the pay provided by law for the day  
23 aforesaid.

1   SECT. 2. The commanding officer of every com-  
2 pany raised at large, shall, after each of the days of  
3 inspection, training and review required by law,  
4 make out an alphabetical roll of the persons, not  
5 exceeding sixty-four in number, exclusive of music-  
6 ians, excepting such companies as are allowed a  
7 larger number by law, and of musicians not more  
8 than four, that appeared, armed, uniformed and  
9 equipped, and performed duty in his company on each  
10 of said days, and, within twenty days after the last  
11 parade, shall transmit the same certified, under his  
12 oath, to be correct and true, to the Adjutant Gen-  
13 eral, it being provided that such roll shall contain  
14 the names of those persons only, who have performed  
15 the duty required by law, and shall not contain the  
16 name of any private who has performed duty as a  
17 musician.

1   SECT. 3. The Adjutant General shall, within  
2 twenty days after the receipt of the last return pro-  
3 vided for in the second section, transmit to the mayor

4 and aldermen of any city, and to the selectmen of  
5 any town, in which the company armory, or place of  
6 assembling the company is situated, the alphabetical  
7 roll provided for in the second section, after he shall  
8 have carried out, opposite to the name of each man  
9 returned, the amount of pay to which such man is,  
10 by law, entitled,—and this roll shall, before it is so  
11 returned, be certified by said Adjutant General to  
12 contain the names of those persons only who are  
13 entitled to the bounty provided by law; and the  
14 mayor and aldermen, and the selectmen aforesaid,  
15 shall, thereupon, draw their warrants upon their re-  
16 spective treasurers, directing them to pay the amount  
17 due to the persons named in said roll, and shall, on  
18 or before the thirty-first day of December, annually,  
19 remit said roll to the Adjutant General, with a cer-  
20 tificate endorsed thereon, setting forth that a warrant  
21 has by them been drawn on their respective treasu-  
22 rers, in favor of the several persons whose names are  
23 recorded in said roll.

1     SECT. 4. The Adjutant General shall, on or be-  
2 fore the fifteenth day of January, ascertain, from the  
3 returns made to him, the amount of money which  
4 will be necessary to reimburse the several towns and  
5 cities, and submit the same to the Governor of the  
6 Commonwealth, who is hereby authorized to draw  
7 his warrant on the Treasurer of the Commonwealth  
8 for the repayment of the sum advanced.

1     SECT. 5. The commanding officer of each regi-  
2 ment and battalion of the militia of the Common-  
3 wealth, shall, annually, within ten days after the au-

4 tumnal inspection and review, make to the command-  
5 ing officer of the brigade to which such regiment or  
6 battalion belongs, a certified roll of the names of the  
7 field and staff officers belonging to such regiment or  
8 battalion, specifying the rank of each who appeared,  
9 armed, uniformed and equipped, and performed duty  
10 on said day. And the commanding officer of each  
11 brigade shall, on or before the tenth day of Novem-  
12 ber, annually, make to the commanding officer of the  
13 division to which such brigade belongs, a certified  
14 roll of the names of all such field and staff officers  
15 within his brigade, specifying the rank of each, as  
16 have appeared, armed, uniformed and equipped, and  
17 performed duty at the brigade, regimental or battal-  
18 ion inspection and review. And the commanding  
19 officer of each division shall, on or before the first  
20 day of December, annually, make to the Adjutant  
21 General a certified roll of all the field and staff offi-  
22 cers within his division, specifying the rank of each,  
23 who have appeared, armed, uniformed and equipped,  
24 and performed duty on the days of such autumnal  
25 inspection and review. And each and every com-  
26 missioned officer who shall be so returned, shall be  
27 entitled to receive the sum of six dollars; and each  
28 and every non-commissioned officer who shall be so  
29 returned, shall be entitled to receive the sum of  
30 three dollars.

1     SECT. 6. Any commanding officer of a regiment,  
2 battalion, brigade or division, who shall make to the  
3 Adjutant General a false return of the names of field  
4 and staff officers belonging respectively to his regi-  
5 ment, battalion, brigade or division, as having ap-



6 peared, armed, uniformed and equipped, and as hav-  
7 ing done duty, or who shall include in such roll the  
8 name of any person who has not personally appeared,  
9 armed, uniformed and equipped, and performed duty  
10 as aforesaid, or the name of any person who has been  
11 excused for absence or non-performance of such du-  
12 ty, shall be deemed to have been guilty of a misde-  
13 meanor, and may be prosecuted therefor by indict-  
14 ment in the municipal court of the city of Boston, if  
15 living in the county of Suffolk, or in the court of  
16 common pleas, holden in either of the other counties  
17 of the Commonwealth, in which the officer so offend-  
18 ing shall live—and, upon conviction thereof, shall for-  
19 feit and pay, to the use of the Commonwealth, for  
20 each offence, a sum not less than fifty dollars, nor  
21 more than one hundred dollars, in the discretion of  
22 the court before which such conviction shall be.

1     SECT. 7. Each colonel of a regiment may raise,  
2 by voluntary enlistment, and organize, within his reg-  
3 iment, and for the use thereof, a band of musicians,  
4 not to exceed eighteen in number, including one  
5 master and one deputy master ; and may grant to the  
6 master and deputy master and privates, warrants as  
7 such—and such band shall be under the direction  
8 and command of the commanding officer of the reg-  
9 iment ; and each commanding officer of a battalion  
10 may, in like manner, raise and organize, within his  
11 battalion, and for the use thereof, a band of music-  
12 ians, not exceeding eight in number, including one  
13 master and one deputy master, and grant to the mas-  
14 ter, deputy master and privates thereof, warrants as  
15 such—and such band shall be under the command

16 and direction of the commanding officer of the bat-  
17 talion. The master, and, in his absence, the deputy  
18 master, shall teach and lead and command such band,  
19 and issue all orders directed by said commanding  
20 officer of any regiment or battalion, as the case may  
21 be. And each member of each and every such band,  
22 shall provide himself with such uniform as may be  
23 directed by the commander in chief, and keep himself  
24 provided with such instrument or instruments, as  
25 may be directed by the commanding officer of the  
26 regiment or battalion ; and, for any neglect, deficien-  
27 cy or misconduct, shall forfeit such sums as are pre-  
28 scribed in such case, in the one hundred and second  
29 section, chapter twelfth Revised Statutes, and may be  
30 dismissed from the band by the commanding officer  
31 of the regiment or battalion.

1 SECT. 8. Each member of a regimental or bat-  
2 talion band shall be entitled to receive the sum of  
3 three dollars for each full day's service, and one half  
4 that sum for each half day's service, rendered in  
5 obedience to an order from the commanding officer  
6 of the regiment or battalion to which such band may  
7 belong, it being provided that such commanding of-  
8 ficer shall not order out said band for more than two  
9 days' service in any one year, nor upon any other oc-  
10 casion than that of a regimental or battalion parade  
11 for review or instruction and drill.

1 SECT. 9. The master of every such band shall,  
2 within ten days after the parade thereof, made under  
3 order of the commanding officer of the regiment or  
4 battalion to which such band may belong, make to

5 the Adjutant General an alphabetical return of the  
6 names of the men who appeared in uniform and per-  
7 formed duty in such band on any such day, the last  
8 return to be made on or before the tenth day of No-  
9 vember, annually, it being provided that the returns  
10 above specified shall contain a certificate signed by  
11 the commanding officer to whom said band was or-  
12 dered to report itself for duty, setting forth that the  
13 duty was well and faithfully performed—in default of  
14 which, the members of such band shall forfeit the pay  
15 provided for in the eighth section ; and the Adjutant  
16 General shall proceed to provide for the pay of such  
17 members, and for the reimbursement thereof on the  
18 part of the Commonwealth, in the same manner as  
19 is provided for in the case of members of the volun-  
20 teer companies of the militia.

1     SECT. 10. The commissioned officers of each com-  
2 pany of cavalry, artillery, grenadiers, light infantry  
3 and riflemen, shall be one captain, one first, one  
4 second, one third and one fourth lieutenant.

1     SECT. 11. The commanding officer of each regi-  
2 ment and battalion of artillery shall, at least ten days  
3 before the annual field inspection and review, desig-  
4 nate by special order one company in his regiment  
5 or battalion, to appear at said inspection and review,  
6 with its field pieces and caisson, and the necessary  
7 apparatus and ammunition complete for the field—it  
8 being provided that regard shall be had to the com-  
9 pany which is nearest to the parade ground ; and  
10 the commanding officer of such company, and of each  
11 company of artillery, on occasions of parade for ex-

12 perimental gunnery, shall provide horses to draw the  
13 field pieces and caisson, and present the account of  
14 the expenses thereof, as is provided for in the one  
15 hundred and twenty-eighth section of chapter twelfth  
16 of the Revised Statutes ; and each and every com-  
17 pany in such regiment or battalion not so designated,  
18 shall appear armed and equipped, and be inspected  
19 severally as infantry. And the commanding officer  
20 of each and every such company shall, on the day  
21 of company parade under his own order, immediate-  
22 ly preceding the fall inspection, inspect the field  
23 pieces and caisson, and all the appurtenances be-  
24 longing thereto, and shall make out a return of their  
25 condition, certified under his oath to be correct and  
26 true, which he shall deliver to the brigade inspector  
27 on the day of regimental field inspection, and in  
28 default thereof, shall be liable to the penalty for such  
29 neglect made and provided.

1    SECT. 12. The Adjutant General of the Common-  
2 wealth shall be the inspector general of all the militia  
3 thereof, and shall perform and discharge all the du-  
4 ties appertaining to the office of such inspector gen-  
5 eral, and shall present his account for the expenses  
6 which he may incur in the performance of his duty,  
7 as such, as is provided for in the one hundred and  
8 twenty-eighth section of chapter twelfth of the Re-  
9 vised Statutes.

1    SECT. 13. The Adjutant General shall cause a  
2 copy of this act to be sent to the clerks of the sev-  
3 eral cities and towns in the Commonwealth, and to  
4 all the commissioned officers of the volunteer militia,

5 and shall provide forms of all the returns necessary  
6 to be made to him.

1    Sect. 14. All acts, or parts of acts, to which this  
2 is an addition, inconsistent with the provisions of this  
3 act, are hereby repealed.





# SENATE....No. 79.

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## Commonwealth of Massachusetts.

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IN SENATE, March 24, 1846.

The Joint Committee on Parishes and Religious Societies, to which was committed the Petition of Charles Street Baptist Society, praying that they may be allowed to sell real estate, have considered the same, and report the accompanying Bill.

GEO. WHEATLAND, *Chairman.*





## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Six.

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### RESOLVE

On the Petition of the Charles Street Baptist Society.

*Whereas*, on the eighth day of July in the year 1806, Harrison Gray Otis, Henry Jackson, Benjamin Joy, and Jonathan Mason, by their deed of that date, in consideration of fifteen hundred dollars to them paid, conveyed to David Jones, Ebenezer Little Boyd, Turner Crocker, Thomas Kendall, Heman Lincoln, Ensign Lincoln, Josiah C. Ransford and Aaron Richardson, trustees of the association for building the Third Baptist Meeting House in said Boston, in the following words, to wit:

“A certain piece of land situate at the northwest end of a street in continuation of Olive Street, so called, in said Boston, bounded as follows: On the easterly side of said piece of land, from Olive street due north fifteen degrees, twenty minutes, west ninety-five feet on the new street called Charles Street, from thence on other land belonging to the grantors, due south seventy-six degrees, west eighty feet, from thence due south fifteen degrees twenty minutes, east on the open passage way of twenty to twenty-four feet wide, as the same now is, ninety-five feet, and from thence on said street in continuation of Olive Street, due north seventy-six degrees, east eighty feet to the

#### 4 CHARLES STREET BAPTIST CHURCH. [March,

bounds first mentioned; also a water lot, with all its privileges, lying west of the lot already described, and on the westerly side of said passage way, bounded as follows :

“From the south west corner of the lot already described, due south, seventy-six degrees west, passing over the passage way to the capstan of the wharf to low water mark, and from thence due north fifteen degrees twenty minutes west, thirty feet, and from thence due north, seventy-six degrees east, to the capstan in front of said wharf, and from thence on said capstan and said passage way due south, fifteen degrees twenty minutes east, thirty feet, to the first boundary line, both lots corresponding to the plan accompanying this deed.

“To have and to hold the aforegranted premises, with all their privileges, unto them, the said David Jones, Ebenezer Little Boyd, Turner Crocker, Thomas Kendall, Heman Lincoln, Ensign Lincoln, Josiah C. Ransford, and Aaron Richardson, their heirs and assigns, in fee forever, upon this express condition only: That a Baptist meeting-house be erected upon the first described piece of land, as soon as conveniently the same can be erected, and that no other building be ever erected thereon, excepting a Baptist meeting-house, for a Baptist society to worship therein. The said grantees, being now chosen trustees of an association for building the Third Baptist meeting-house in Boston, and said premises to be by them held in trust for the church which shall hereafter be constituted to meet in said house, and to their successors, as a church, forever, holding the principles united in and accepted by the members composing the said association for building the said Third Baptist meeting-house in Boston, which, at their request, the grantors consent here to insert :—

“*First.* That Jesus Christ is the son of God, and that, in the most unqualified sense, in him dwells all the fullness of the godhead.

“*Secondly.* That, in consequence of the apostacy of our first parents, the hearts of all mankind, in their natural state, are enmity against God.

“*Thirdly.* That the only way of salvation from this state

of guilt and condemnation, is through the righteousness and atonement of Jesus Christ, and that those only who receive the gift of repentance and faith in him will be finally saved by his atonement.

*"Fourth.* That all who ever did or will repent, and believe the Gospel, were chosen in Christ to salvation before the foundation of the world, and that, in consequence of the eternal love of God to them through the atonement, the Holy Ghost is sent to effect the work of regeneration in their hearts, without which regenerating influence none would ever repent or believe.

*"Fifth.* That to those who truly repent and believe in Christ there is no condemnation, but they will be kept by the power of God through faith unto salvation.

*"Sixth.* That all who believe will obtain eternal happiness through the mercy of God in Christ, and that those who die in an impenitent state will be sentenced to endless misery, as the just desert of their sins.

*"Seventh.* That the only proper subjects of baptism are visible believers, and that baptism is properly administered only by immersion.

"The aforesaid premises, as soon as said church shall be constituted, to be conveyed to such persons as said church shall appoint, to be held by said church as long as there are three male members in the church holding the principles inserted as above; in failure of which number in the church, the premises to revert to the proprietors of said society for their use and behoof forever."

And whereas the said premises have, by certain deeds from said trustees to the deacons of said Third Baptist Church, now called the Charles Street Baptist Church, and from said deacons to said Charles Street Baptist Society been conveyed to said Charles Street Baptist Society, subject to the said conditions :

And whereas the said Charles Street Baptist Society and the Charles Street Baptist Church, being the parties interested in said conditions, at meetings called for the purpose, have unanimously concurred in a petition to the General Court, that the

**6 CHARLES STREET BAPTIST CHURCH. [March, '46.**

said Charles Street Baptist Society may be enabled to sell the said pieces of land free from the said conditions:

*Therefore, resolved,* that the said Charles Street Baptist Society be, and it is hereby authorized, to sell and convey the said lands and tenements above described, and any parts and parcels thereof, to any person, or persons, in absolute fee simple, free, clear, and discharged, from all the afore recited conditions, and from all conditions expressed in the intermediate deeds, by means of which the said premises have become vested in said society.





## SENATE.....No. 80.

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### Commonwealth of Massachusetts.

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The Committee on Railways and Canals, to whom was referred the petition of S. O. Richardson and others,

### REPORT:

The petitioners ask leave to construct a road from Salem to South Reading, or from South Danvers to South Reading, there making a junction with the Boston and Maine Rail-road. The petitioners did not object to a junction with the Essex Rail-road at South Danvers, and therefore the Committee considered it as an application for a road between South Reading and Danvers only. Within these limits, its length would be 7.50 miles; the distance from the junction to Boston would be 9.37 miles—making the distance from South Danvers to Boston by this line 16.87 miles. The estimated cost of the road is about \$175,000.

The petitioners rely for support upon the travel and business of Salem, Danvers and Lynnfield to and from Boston, and the business between the same towns and the interior towns of Middlesex and Essex counties.

The Committee are of opinion, that it would not be able to take the travel from Salem and Danvers to any considerable extent.



The business of Lynnfield would be accommodated by the proposed road. But that town has a population of only about 800, and cannot, therefore, contribute very largely to the support of such a road.

The interior travel and business relied upon, would probably be realized only in part. With a few towns in Middlesex county, there would be, by such a road, a communication of considerable public utility. The business of the Readings, Stoneham and Woburn would be benefited by a more easy intercourse with Danvers and its vicinity. But the connexion of Danvers and Salem with the interior and Merrimack River towns of Essex county, and with Lowell, would be more direct by the Essex Rail-road and the Lowell and Andover Rail-road.

The Committee, therefore, are of opinion that a sufficient exigency is not made out to warrant the grant of such a charter, and report that the petitioners have leave to withdraw their petition.

By order of the Committee.

THOS. HOPKINSON, *Chairman.*





# SENATE....No. 81.

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## Commonwealth of Massachusetts.

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The Joint Standing Committee on Manufactures, to which was committed several petitions numerously signed, in which the petitioners complain that there are evils connected with the Manufacturing Corporations of the Commonwealth, which require legislative interference, have had the same under consideration, and submit the following

### R E P O R T :

The grievances of which these petitioners complain, if grievances they are, have been of long standing, and to which the attention of the Legislature heretofore has not unfrequently been called.

The first to which they ask the attention of the Legislature, has reference to the hours of labor now required and performed for a day's work. They complain that, in this, the operative is tasked too severely—more severely than is consistent either with health, or that cultivation of the mind so essential in a civilized and an enlightened community. They, therefore, ask that the manufacturing corporations may be so restricted, as that they shall not be allowed to employ any one hand, or set of hands, to exceed ten hours in the day. These petitioners also allude to certain regulations, in the observance of which they complain,

that the operative is not unfrequently made to suffer improperly and unjustly.

That, upon manufacturing corporations, in reference to the hours of labor, the Legislature have a right to interfere to the extent asked, perhaps does not admit of a doubt. Corporations are creatures of law, and in most cases, even in terms, they are made subject to future enactment and control. The question, in this respect, therefore, is only one of expediency. The Legislature may make such additional requirements and impose such additional restrictions, as, in its wisdom, it may deem proper. The Committee, however, are of opinion, that if any law limiting the hours of labor, is to be enacted, it should be one of general application. Sure they are, that no restriction should be imposed upon those who have availed themselves of acts of incorporation, unless the purpose be to cause them to abandon those acts,—while others, and especially those engaged in like business, are suffered to go on untrammelled. Nor do your Committee see why, if a limitation is to be imposed, it should not be made to apply as well to other business—to mechanical, to mining, to farming, and to almost every other kind,—as to manufacturing. If justice, if the good of society, require the restriction in the one kind of business, surely there can be no good reason why it is not equally required in most, if not all, the other kinds.

In the absence of contract, the Legislature might, if deemed advisable, stipulate by law the number of hours which shall constitute a day's labor. To such a law, there probably could be no very serious objections. And yet, even such a law, your Committee are not prepared to recommend. But, to go beyond this—for the Legislature to enact a law, the effect of which would be to deprive the citizen—the employed as well as the employer—of the privileges of contract, would be, to say the least, to exercise a power somewhat questionable. Probably there is not a member of the Legislature who would think of fixing, by law, the wages which the laborer should receive; and yet, in the opinion of the Committee, to grant what these petitioners ask, would, in effect, involve the same principle. The number of hours which the laborer may toil, is as suscep-

tible of mutual arrangement and contract, as are the wages which are to be paid : and, if a man's strength and constitution will admit of his working twelve hours in a day, or even fourteen, if he needs the proceeds of the labor, and can find the person willing to pay him therefor, the Committee see no reason why he shall not have the privilege of doing so. Is it for the Legislature to interfere in such a case ?

Restrictive laws, and especially such as shall in any way interfere with the privileges of contract, if enacted at all, it should be after most mature deliberation, and then with exceeding caution ; they should certainly be well examined in all their bearings, else, peradventure, they may work the greatest injury to those whom they are intended to benefit. There are some matters of business upon which restrictions may well be imposed ; but, for the most part, it is to a business, the character of which is itself objectionable. In a fair, legitimate and honorable business, such restrictions are seldom if ever required. True, it is only to the business, as carried on by corporations, that restrictions are now asked ; but it is presumed, all will admit, that if to corporations it be reasonable to apply such restrictions, it would be equally reasonable to apply them to all others engaged in a competing business.

Again, if onerous restrictions be imposed upon corporations, such as are not imposed upon others, the effect will be, either that you drive those who have availed themselves of such privileges from the business altogether, or that they abandon their charters and do business as do others who have never availed themselves of such acts. Such, in the opinion of the Committee, would most assuredly be the effect of a law such as is now asked for ; the advantages, if any, consequent upon acts of incorporation, would be lost to the State, while the grievances of which these petitioners complain, would still remain unredressed.

There may be times and occasions when it would be proper for the Legislature to interfere ; but, as a general rule, the less legislation has to do with business in its details, the better will it be for all concerned. These, the parties interested, for the most part, are altogether the more competent to arrange. The

Legislature, as far as may be, should provide for the security of both persons and property, and for moral and intellectual culture. Thus far, the law makers are in duty bound to go. For them not to go thus far, the neglect might well be regarded as criminal. But beyond this, the best legislative action is that calculated most to promote the general prosperity. This performed, and, as it appears to the Committee, the Legislature will have done the best it can do to promote the interests and the welfare of the laboring man. Let the country be prosperous—let business be flourishing, and the competition consequent is the best guarantee the laboring man can have that he will be properly dealt by. When business is flourishing, competition will be brisk, labor will be in demand, and those disposed to work will be sure to be well paid. But impose restriction, you injure business, and the result will be, the laborer is sure to be the sufferer.

As respects the regulations of which these petitioners complain:—Upon inquiry, the Committee do not learn that they prevail any where but in the city of Lowell. In the observance of them, they may, and perhaps do, sometimes, operate too severely. But if, after experience, they are found to be too stringent, the Committee have great confidence that they will be relaxed and changed. At any rate, the Committee do not discover any evils growing out of, or likely to grow out of, them, of sufficient magnitude to require legislative interposition.

During the last session of the Legislature, petitions, similar in character to those now under consideration, were presented, and were then committed to a select committee of the House of Representatives. That Committee gave to the questions involved, a very thorough examination. They devoted to them much time, examined numerous witnesses, consulted intelligent men—employed as well as employer—and the result of their labors they have given in a very able report, much in detail, and which may be found in the printed documents of that year. To that report, all desirous of further information, are particularly referred.

That there are evils connected with the manufacturing business, and with manufacturing corporations, does not, perhaps,

admit of a question. It would, indeed, be singular if it were not so. In truth, it may be said, there is scarcely any relation in life, not any, which is clear from them. It is not to be expected, therefore, that the manufacturing business, a business so extensive, can first be made the exception. But the question is, are the evils, of which these petitioners complain, of such a nature, as that they can be reached by legislation? And a more important question is, if reached, can they be removed without being liable to be followed by those which may be still greater? The Committee think not—and they, therefore, unanimously recommend that the petitioners be allowed to withdraw their petitions.

NATH'L B. BORDEN, *Chairman.*

*Senate Chamber, March* , 1846.









# SENATE.....No. 8

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## Commonwealth of Massac

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IN SENATE, 1

*Ordered,* That the Committee of the Judiciary to inquire into the expediency of making law to enforce the making of private and to the same are laid out by the county commission from the doings of selectmen or towns.

CHAS. CALF

## **Commonwealth of Massachusetts.**

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IN SENATE, March 26, 1846.

The Committee on the Judiciary, to which was committed the order instructing them to inquire into the expediency of making further provision by law to enforce the making town and private ways laid out by county commissioners, report the accompanying Bill.

THOMAS P. READ, *Chairman.*

## Commonwealth of Massachusetts

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In the Year One Thousand Eight Hundre  
Six.

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### AN ACT

To provide for constructing Town Ways and  
in certain cases.

*BE it enacted by the Senate and House of  
Representatives, in General Court assembled, and by the  
the same, as follows :*

1   SECT. 1. The forty-fourth and forty-  
2 of the twenty-fourth chapter of the Revi  
3 shall apply to town ways and private way  
4 ed by county commissioners, agreeably to  
5 sions of law, and the county commissioner  
6 eral counties shall have the same power, and  
7 shall be the same in relation to any town  
8 neglect to make and complete any town wa  
9 way which has been, or may be, establis  
10 commissioners, as aforesaid, within the ti  
11 the manner which has been, or may be, pr  
12 them, as they now have in relation to the

13 ded for in said sections of said chapter of the Revised  
14 Statutes, and the liabilities of any delinquent town  
15 shall be the same, in respect to town ways or private  
16 ways, so established, as they now are by law in rela-  
17 tion to highways.

1     SECT. 2. This act shall take effect from and after  
2 its passage.

## SENATE.....No. 83.

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### **Commonwealth of Massachusetts**

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IN SENATE, March 26

The Committee on Mercantile Affairs and Insurance, to which was committed the Petition of William T. Pratt, praying for the modification of the law relating to the insurance in Chelsea, and that he may be indemnified for his loss and the Petition of Benjamin Wheeler, Jr., and others, for the modification of the above mentioned law, report the accompanying Bill.

THOS. G. CARY, *Chairman*



# Commonwealth of Massachusetts.

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In the year One Thousand Eight Hundred and Forty-Six.

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## AN ACT

To repeal in part an Act entitled “ An Act in addition to an Act concerning the Beaches in the town of Chelsea,” and for the indemnification of William Tewksbury.

**BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1    SECT. 1. So much of an Act passed on the four-  
2    tenth day of March, in the year one thousand eight  
3    hundred and forty-five, entitled “ An Act in addition  
4    to an Act concerning the beaches in the town of  
5    Chelsea,” as relates to the Beaches in that part of  
6    Chelsea, called Point Shirley, which are not included  
7    in the following limits, is hereby repealed, viz :—

8    Commencing at the line marked X W, on the plan  
9    of Point Shirley, as surveyed by Osgood Carleton,

10 the original of which is recorded in the b  
11 titution No. 4, in the court of common p  
12 county of Suffolk, so as to include within  
13 from which stones, gravel or sand shall no  
14 twenty-seven acres of beach on the ne  
15 Winthrop's Great Head or Green's Hill  
16 and including also, the whole of said hi  
17 "Short Beach," extending therefrom sou  
18 far as to the stake on the north line  
19 Tewksbury's portion of said "Short Beach

1     SECT. 2. There shall be paid, out of th  
2 of the Commonwealth, to the said Willia  
3 bury, the sum of five hundred dollars, as  
4 nity for the loss suffered by him under the  
5 of said Act, by reason of being unnece  
6 barred from the use of his land for the p  
7 was intended, of securing the harbor of B



## SENATE.....No. 84.

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### Commonwealth of Massachusetts.

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IN SENATE, March 12, 1846.

*Ordered*, That Messrs. Kimball, Young, and Kyle, be a Committee to consider the expediency of abolishing the distinction between spoken and written defamation.

CHARLES CALHOUN, *Clerk*.

## **Commonwealth of Massachusetts.**

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**IN SENATE, March 26, 1846.**

The Special Committee, who were instructed by an order of the 12th inst., to consider the expediency of abolishing the distinction between written and spoken defamation, report the accompanying Bill.

By order,

**EDM. KIMBALL, Jr.,** *Chairman.*

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Six.

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### AN ACT

Concerning Slander.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1   SECT. 1. Every person who shall defame another  
2 by words, shall be punished by fine, or imprisonment  
3 in the common jail, or by both fine and imprisonment,  
4 at the discretion of the court.

1   SECT. 2. In every prosecution for defamatory  
2 words, the defendant may give in evidence, in his de-  
3 fence upon the trial, the truth of the matter charged  
4 as slanderous, and such evidence shall be deemed a  
5 sufficient justification.

1   SECT. 3. This act shall take effect from and after  
2 its passage.



## SENATE.....No. 85.

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### Commonwealth of Massachusetts.

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The undersigned, members of the Joint Committee on Railways and Canals, to whom was referred the petition of David Pingree and others, and the various petitions in aid thereof, and the remonstrance and resolutions against the same, beg leave to submit the following statement of facts, and the conclusions and judgment which they have formed upon the subject.

We much regret, that after great consideration, the Committee have not been able to agree upon the question.

Mr. Crowninshield, having some interest as a stockholder in the Eastern Rail-road, did not sit in the case : all the Committee divide equally for and against the application.

The petitioners ask for a charter for a rail-road from Salem to Malden, making, at Malden, a junction with the Boston and Maine Rail-road. The number of petitioners is large, amounting to between three and four thousand ; and the important towns of Lynn and Danvers, and Saugus and Malden, have, by resolutions or votes, seconded the petition with much unanimity.

The city council of Salem have adopted resolutions adverse to the petition, by unanimous vote of both branches—and the Eastern Rail-road Corporation appear by their counsel in remonstrance.

The petition was presented to the Legislature of last year—



and, after a protracted hearing, the Committee to whom it was referred, reported that the petitioners have leave to withdraw their petition. This report was not accepted, and the petition was referred to the present Legislature.

Upon examination of the papers and the report of the last year, we do not perceive that the case presents any new features this year, except that the petitioners last year abandoned that part of their route from South Danvers, so called, to Salem; and several leading petitioners, and, among them Mr. Pingree, by whose name the petition is called, have withdrawn from the petition, and do not appear this year. But the same petitioners, principally, appear this year, and claim the entire route from Salem to Malden, on the same line as originally prayed for. The length of the line from Salem to Malden, is  $13\frac{3}{4}$  miles—and the distance from its junction with the Boston and Maine road in Malden to Boston, is four miles—making the distance on the road from Salem to Boston  $17\frac{3}{4}$  miles.

The cost, estimated by Mr. Hayward last year, of a road from Salem to Malden, was . . . \$275,384 50

The cost of superstructure, according to the testimony of the same gentleman, should be increased, at present rates of iron, . . . 32,656 25

Making, . . . \$308,040 75

This estimate does not include land damages, which, on the Eastern Rail-road, was \$72,000 00

When it is considered that the Eastern Rail-road had most of their land on East Boston free, and that the proposed road passes through dense villages, or very valuable land in Danvers, Lynn and Malden, we see no reason why the land damages on the proposed road should be less, . . . \$380,040 75

The cost of the proposed road would thus far come near to \$400,000.

The average distance of the road from the Eastern Rail-road would be less than two miles. It starts in Salem at a point

about equally central with the Eastern Rail-road Station, thence passing through South Danvers, it sweeps off to a distance of three or four miles, and again bends in towards Lynn, and makes its station less than a half mile from the station of Eastern Rail-road. It then turns into Saugus, and makes its station there about a mile and a half from the Eastern Rail-road, and unites with the Boston and Maine Rail-road, four miles from the depot of that road in Boston.

It is apparent, therefore, that it would give a new rail-road communication with Boston to the people of Salem, Danvers, Lynn and Saugus. It is likewise contended that it will give additional facilities to the long travel on the Eastern Rail-road, by admitting them to Boston without the intervention of a ferry; and that it will furnish a valuable interior communication with the towns in the northerly part of Essex County, and with Lowell, and other parts of Middlesex County.

It is well, for a moment, to consider the present situation of these towns,—Salem, situate directly on the line of the Eastern Rail-road, is satisfied with it, and opposed to the present petition.

Danvers, with an active, enterprising, and thrifty population of about 6000, has no rail-road in operation within its borders. The Essex Rail-road, chartered the present session, will, when completed, pass through South Danvers and North Danvers to North Andover, and from South Danvers to Salem; its route will be nearly identical with the road here prayed for. A junction with the Eastern Rail-road at Salem, would have the effect, for North and South Danvers, of a branch, in giving a direct road to Boston by rail-road. The Essex Rail-road, being before the Committee at the same time with this, should be regarded as cotemporaneous with it, and have no prior right, in the fact that it was earlier acted upon.

The distance from the proposed depot in South Danvers, is one and three quarters mile from Salem, lying along one continuous street and dense village. The place holds about the same relation to Salem, as Boston Neck does to the rest of Boston. That the line dividing the two towns intervenes, is of no consequence in a rail-road point of view. The necessity of a

rail-road to Danvers, is no stronger than the necessity of another road for those parts, if any, of Boston or Salem, which lie  $1\frac{3}{4}$  miles from a rail-road station.

The Eastern Rail-road Corporation are willing and desirous to build a branch to Danvers, and, last year, a bill was reported for that purpose. It was opposed by the representatives from that town as wholly unsatisfactory to their constituents, and at their instance was rejected. If the Essex Rail-road should be built, with such connexion as before suggested, there would be no occasion for such a branch; South Danvers would then be  $15\frac{3}{4}$  miles from Boston by rail-road, or one quarter mile nearer than by the proposed road.

The location of the Eastern Rail-road in Lynn was intended to be in the place most eligible for the public accommodation. It is, however, contended by the petitioners, that a different location would be preferable, and the Eastern Rail-road Corporation have petitioned for leave to change it to the line which is supposed at the present time to be more eligible. The people of Lynn oppose their petition principally, if not wholly, because it is supposed to prejudice the proposed Danvers and Malden road.

The Lynn depot of the Eastern Rail-road is now less than half a mile from that on the proposed road; and unless for other reasons hereafter considered, the Eastern Road is regarded as failing in the essential requisites of rail-road facility, few towns in the Commonwealth through which rail-road lines pass are better accommodated.

The town of Saugus lies too far from the Eastern Rail-road to receive full benefit from it, and the proposed road would be to them a decided improvement. It had a population, in 1840, of about 1000, probably now increased to eleven or twelve hundred. Its largest business is shoe manufacturing.

Having considered the relation of each of these towns to the existing road, we proceed to consider the character of that road, and the public accommodations which it affords.

It went into operation from Salem to Boston in the year 1838. Its course is remarkably straight, and grades easy. It affords a shorter route to Boston than any other road can, to

all the population for which the proposed road is designed, except Saugus. It ends at East Boston, from which place the passenger is taken by a ferry, into which he passes, and from which he lands, by a covered way, to the passenger station belonging to the road in Boston.

It is due to the projectors of that road to say, that the popular rumor or impression that the location of the road on East Boston was effected by pecuniary inducements held out to them by the East Boston Company, or by a controlling interest in that company, is not only unsupported by any evidence before us, but is directly contradicted and disproved.

It was testified by the engineer who designated the route that, independently of any of the considerations alluded to, and before any contract was made with the East Boston Company, he reported to the projectors of the road by whom he was employed in favor of this route in preference to any other. It was adopted by them, and would have been built there, if they had received no offers of land from the East Boston Company; this report was not disclosed, however, as it would prejudice them in their negotiations with that company, till those negotiations were closed.

At the hearing last year, the Eastern Rail-road Company invited an issue upon any charge of such influence in determining the selection of their route. This year the same issue was offered. No proof was tendered to support it, and the charge is expressly negatived by the most certain testimony. It is time that this vague, unsupported, and undefended calumny or suspicion, was forever put to rest.

We have thought it worth while to be explicit on this point, because it has been repeated in various forms where it could not be met and disproved, till it has obtained a very general belief, and has not been without its effect in the opinions which we have ourselves heretofore entertained in relation to the road.

That road, up to the end of the year 1844, had paid the stockholders less than six per cent. annually; for the year since that time, it has paid eight per cent. It cost from Salem to Boston about \$1,000,000; but by sale of lands granted to it, its cost is

now reduced to about \$650,000. It has a double track about nine miles, and arrangements are made for completing the double track to Salem, at an early day, with the heaviest rail; when that is done, it is in contemplation to run hourly trains over that part of the road.

The annual report of the present year states that it is their intention hereafter to expend all their resources, over eight per cent., although the charter allows them ten per cent., in making the road, in its construction, appointments and accommodations, as perfect and useful to the public as possible, and eventually to reduce their fare to the lowest rate consistent with these objects. Such declarations of intention cannot, we are aware, have the effect of a binding contract on the company. But we believe them to be made in good faith, and that their obvious good policy will secure their fulfilment. The conduct and management of the road were proved likewise to be such as to leave no cause of complaint on that head.

In short, it is a direct level road, with a double track, either now or in near prospect, managed with competent skill and fidelity to all its public duties and trust, keeping up with the progress of railway science and improvement, increasing its public usefulness, gradually reducing its fares, and paying a reasonably moderate profit to its stockholders.

There remains, however, one feature of the road yet to be considered. The ferry is the subject of great complaint on behalf of the petitioners. They regard it as a defect or flaw in the road, of such magnitude, as to create, of itself, an exigency for a new road, to accommodate all the business on the line of the Eastern Rail-road. They allege that it makes the entrance to Boston uncertain in time; that the channel is liable to be obstructed by ice, by fogs, and by ships, and that there is a "rush" or crowd of passengers between the boat and cars, as they pass from the boat to the train on East Boston, especially disagreeable and inconvenient to ladies.

The evidence entirely failed to make out any considerable uncertainty in time. The average time allowed for the transit of the boat, is five minutes; four minutes more are allowed between the stopping of the boat and the starting of the train, or between

the stopping of the train and the starting of the boat—making the time allowed for the delay of the ferry, only nine minutes. Taking this time of five minutes as the usual time for the transit, it has been ascertained, by an accurate record or log kept by the conductor at the ferry, that all delays from all causes have not, for the last year, exceeded four seconds to each trip.

Several instances were proved of delays from each of the causes before named. Once, the ice closed the channel for several days. But the means now in use for keeping the channel open, it is believed, will prevent a recurrence of that accident.

But, upon the whole, the delays must be either very slight or very seldom, to produce the small average proved the last year. It was proved, by the same accurate observation, that the average delays on the rail-road line itself were greater,—and no doubt the same would be found true of every rail-road in the Commonwealth. No mode of travelling, either by land or water, has attained a higher degree of regularity and certainty; that those who are familiar with the delays from snow and ice on rail-road tracks, and the various delays incident to the arrangement of trains of cars, should gravely insist upon the uncertainty of the ferry as an exigency calling for a new road, only shows how momentous trifling evils become when they come in aid of a favorite scheme in which numbers and popular passion are enlisted.

The rush of passengers to the cars was more frequently dwelt upon. One of the most candid and intelligent of the witnesses, Mr. Allen of Danvers, stated that this was the principal objection to the ferry. Several witnesses testified that the complaint was very general; but it did not appear that this amounted to insult or rudeness, or ever resulted in the loss of a seat in the cars. It is much like the crowd which is seen at every principal rail-road stopping place, where large numbers of persons get out or get into the cars. Those who rush forward in haste, find themselves incommoded by the crowd; those who pass on quietly, find space and time enough and are equally well accommodated. Several highly respectable gentlemen of Salem, testified that they had been in the constant

habit of passing there with their families, that their wives and daughters often passed unattended, and they had never considered it, or heard ladies complain of it, as a serious inconvenience. Many regarded the ferry passage as an agreeable variety in the journey.

Perhaps the most satisfactory evidence on this subject, is the fact that the long travel from the east to Boston, comes on a common stem from Portland to Berwick, and thence divides at the option of the traveller, between the Eastern Rail-road and the Boston and Maine Road; and it is ascertained by accurate accounts taken by the two corporations, that, though the time of running is the same, more than two thirds, (21,000 out of 30,500,) of the passengers take this route. About the same ratio obtains as to those who take passage at this end, where the ferry is the first thing to be encountered. This fact is, to our minds, conclusive proof that the terrors of the ferry, out of the range of the present excitement, are not very appalling.

The evidence showed also, that the expense of truckage from the East Boston depot for freight, was from 12 to 15 cents per ton, more than from the other rail-road depots in the city. But it also appeared that the Eastern Rail-road Company, do the trucking for all who wish them to do it, at the same price that is charged to and from the other rail-roads in the city; and, if we compare the expense of the Eastern Rail-road depot with the Boston and Maine Rail-road depot, it will appear that more than 12 or 15 cents per ton would be a fair addition to the charge for carrying freight by the latter.

An objection to the Eastern Rail-road was also found in the situation of the streets and passages leading to its depot in the city. But recent improvements, made at great expense by the corporation and city, have now nearly if not quite obviated that difficulty, and the road compares favorably with most other roads in this respect.

We are, therefore, constrained to believe that the termination of the road at East Boston and the ferry, constitute no exigency for a new road. The route was adopted by the projectors after mature consideration, and ratified by the Legislature after a full hearing by an able and intelligent Committee. This was

deemed then to be the route which would best meet the public convenience. There were, it is true, at that time, as now, different opinions. That they decided unwisely is not now universally admitted. Besides the engineer who located it, one gentleman, second to no other in the Commonwealth in familiar acquaintance and sagacity on such subjects, testified, that if, in view of all that is now seen and learned, he were again to locate the road, he should take the same route. Upon a careful comparison of the objections and evils of each route, we are prepared to say, that there is no such preponderance in favor of the proposed one, as would warrant such an expenditure of money to avoid it independently of any injury to, or rights of, the existing road. Notwithstanding the sanguine anticipations of the petitioners, we cannot believe their road would yield a competent return.

The following estimate of income was put in by the petitions :—

North Salem, 75 passengers each way daily, 313	
days, 40 cts. each, 46,950,	\$18,780 00
5000 tons freight per year, \$1 25,	6,250 00
South Danvers, 125 passengers each way daily,	
78,250, at 40 cts.,	31,300 00
15,000 tons freight per year, \$1 10,	16 500 00
Lynn, 100 passengers daily each way, 62,600,	
at 25 cts.,	15,650 00
15,000 tons freight per year, \$1,	15,000 00
4,000,000 at 75 cts. per thousand,	3,000 00
2000 tons fish at \$1 per ton,	2,000 00
Saugus, 10,329 passengers a year, at 25 cts.,	2,582 25
2000 tons freight, \$1,	2,000 00
	<hr/>
	\$113,062 25

Expense of running four passenger trains, and	
one freight train, with passengers daily each	
way, 17½ miles, 313 days—53,992½ miles,	\$26,996 25
Allow Boston and Maine Road for use of road,	
depot, &c. 30 per cent. gross receipts,	33,918 67



Superintendent and clerks, . . . . .	\$3,000 00
Dividend on cost of construction, \$231,268, at 6 per cent. . . . .	13,876 08
Surplus balance, . . . . .	35,271 25
	<hr/>
	\$113,062 25

This is indeed a very flattering exhibition of profit; but it is wholly unsupported by the evidence. First, as to cost of the road; it omits land damages and equipment. It is based on  $17\frac{1}{4}$  instead of  $17\frac{3}{4}$  miles. When it is considered that the Boston and Maine Road cost, for that part of it to be run over and used, in connexion with the proposed road, \$800,000, or double the cost of this, we cannot see the reasonableness of allowing only 30 per cent. to it. To make the most favorable account we should state the expense account as follows:—

5 trains each way, 313 days, $17\frac{3}{4}$ miles, at 68 cts. per mile, (being the average cost per mile, of road for the year 1844,) $55,557\frac{1}{4}$ miles, . . . . .	\$37,779 10
Allow Boston and Maine Road 35 per cent. on gross receipts, (\$66,517 30, hereafter stated), . . . . .	23,281 05
Superintendent and clerks, . . . . .	3,000 00
Interest on cost of construction, \$380,000, at 6 per cent., . . . . .	22,800 00
	<hr/>
	\$86,860 15

The business account would require more liberal deductions.

There was no evidence of the amount of business at North Salem. Mr. Webster, who made up the account, stated that he had no statistics to base it upon, and we cannot believe that more than half of it would be realized. We, however, set it down as given, merely because it is not disproved, \$18,780 00  
 “5,000 tons freight;” (we think the amount twice  
 the amount that could be realized,) say 2,500  
 tons, 80 cents, . . . . . 2,000 00

South Danvers.—Fortunately, we have here very satisfactory evidence to apply to these estimates. Mr. Allen testified from

observation and statistics taken in the years 1843, '44, '45, making the passengers to Boston 33,762. This includes 4,500 by stage. It is well known that stages run side by side with every rail-road leading into Boston, from towns similarly situated. There is no doubt a line would continue to run from Danvers to Boston, if this road were made. But, allowing the whole to the road as compensation for the increase, it would give for Danvers 33,762 passengers at 40 cents, \$13,504 80

Freight, by Mr Allen's testimony, 9,355 tons—say 10,000—  
at 80 cents per ton, . . . . . \$8,000 00

Lynn.—The estimate of 100 a day, each way:—The population is 11,000. According to the testimony of the petitioners, the travel of West Lynn would divide about equally between the two roads. No village like that has been found to give more than five or six times its population; but we set it down as given, . . . . . \$15,650 00

The item of freight, 15,000 tons, at \$1 00, is wholly inadmissible upon all the testimony. The Eastern Rail-road offered to take the freight of Lynn at 44 cents per ton. The parties refused to give more than 37½ cents, and continue to carry it on wagons. We see no reason for supposing that the proposed road would carry at \$1 00 a ton, that which the Eastern Rail-road could not get at less than half that price. A large proportion of their freight is shoe boxes or rolls of leather, which has to be gathered up in small quantities in different parts of the village, and is again distributed in small quantities at different places in Boston. The cost of collecting and distributing it is more than the mere transportation. Under similar circumstances, all experience shows, as well as the weight of testimony in this case, that such freight will go by wagons in preference to rail-roads. 7,500 tons, at 60 cents, is the largest allowance that can be made for freight of Lynn, \$4,500. The item, 4,000,000 bricks, is based entirely upon the fact, that the rail-road would pass over clay beds not now worked to any considerable extent.

2,000 tons of fish are supposed to seek the country by means of the connexion between the Boston and Maine Road with the Boston and Lowell. Such an anticipation would, doubtless,

be disappointed. A course so indirect, with a change from one road to another three times, would be found wholly impracticable. Besides, for all purposes of interior communication, the Essex Rail-road and the Lowell and Andover Rail-road would be a much more direct and eligible route.

For the town of Saugus, the estimate of 10,329 per year, is eight or nine times the whole population. We admit it, though we think it evidently excessive, . . . \$2,582 25

As to freight, the same reasons given above as to Lynn, operate here in greater force, as the distance in running wagons is less; 1,000 tons at 50 cents, is a liberal estimate, . \$500 00

We then recapitulate as follows:—

N. Salem passengers, . . . . .	\$18,780 00
Freight, . . . . .	2,000 00
South Danvers passengers, . . . . .	13,501 80
Freight, . . . . .	8,000 00
Lynn passengers, . . . . .	16,650 00
Freight, . . . . .	4,500 00
Saugus passengers, . . . . .	2,582 50
Freight, . . . . .	500 00
	<hr/>
	66,517 30
Deficiency, . . . . .	\$20,342 85
	<hr/>
	\$86,860 15

This would yield a profit of about one half of one per cent. Yet, we believe several of the items to be set down at about double the amount that could be realized.

We add to this estimate, one made and presented last year by John W. Proctor, Esq., one of the petitioners, marked A, and the estimate marked B, made upon it by Mr. Chase, on behalf of the remonstrants, only premising that Mr. Proctor testified *this year* that he believed the road will fail to pay, and had withdrawn from the petition on that account:—

## (A.)

*John W. Proctor's Statement as published.*

## ESTIMATES OF BUSINESS.

*Passengers.*

From South Danvers, 100 per day, equal to 30,000 a year, at 30 cents,	\$9,000
From North Danvers, 10,000 a year, at 35 cts.,	3,500
From New Mills, 2,000 a year, at 35 cts.,	700
From Lynn, 100 per day, equal to 30,000 a year, at 20 cents,	6,000
From Saugus, 10,000 a year, at 20 cts.,	2,000
From adjoining towns, say 10,000, at 25 cts.,	2,500

*Merchandise.*

From South Danvers, 10,000 tons, at \$1 50,	\$15,000
From North Danvers, 4,000 " 1 50,	6,000
From New Mills, 3,000 " 1 50,	4,500
From Lynn, 10,000 " 1 00,	10,000
From Saugus, 2,000 " 1 00,	2,000
Estimated amount of income,	\$61,200

## (B.)

*Mr. Chase's Estimate, No. 2, of same business.*

## INCOME.

30,000 passengers from South Danvers, at 40 cts.,	\$12,000
10,000 " " North Danvers, } at 46 cts.,	5,520
2,000 " " New Mills,	
30,000 " " Lynn, . at 25 cts.,	7,500
10,000 " " Saugus, . at 20 cts.,	2,000
10,000 " " other towns, . at 30 cts.,	3,000
	\$30,020
Deduct, for use of track from Malden to Boston, and depot accommodations in Boston, 12½ each on 92,000 passengers,	11,500
	\$18,520

## MERCHANDISE.

10,000 tons	South Danvers,	at 80 cts.,	. \$8,000
4,000 "	North Danvers,	} at 90 cts.,	. 6,300
3,000 "	New Mills,		
10,000 "	Lynn,	at 60 cts.,	. 6,000
2,000 "	Saugus,	at 50 cts.,	. 1,000
			<u>\$21,300</u>
Deduct, for use of track from Malden to Boston, and depot accommodations in Boston			
25 cents each on 29,000 tons,			. \$7,250
			<u>\$14,050</u>
			<u>\$32,570</u>
Expenses of 8 daily trains, . . . .			\$49,027 50
" of 5 " . . . .			37,542 50

These estimates assume that the proposed road would take all the business of the towns of Danvers and West Lynn which lies nearer to it. But that, we think, by no means to be relied upon; almost all this travel is drawn from the natural and present travel of the Eastern Rail-road. The two roads would be immediate competitors for nearly the whole amount of business which is relied upon to support the proposed one. It is, then, well to consider which road will have the advantage in this competition; and—

1st. The Eastern Rail-road will be cheaper, and can afford to carry for lower fares. The cost of that road is \$650,000; that of the proposed road and the part of the Boston and Maine Road to be used with it together, will be \$1,180,000, or nearly double. It was assumed in argument that, as in other cases of branches, the stem would receive them at lower rates. But here both roads would be parts of long routes, and neither would gain any advantage on that ground.

2d. For the largest part of the travel and business, the Eastern Rail-road will be the shortest.

From Salem,	.	.	3 $\frac{1}{2}$ miles shorter.
" Danvers,	.	.	$\frac{1}{4}$ mile "
" Lynn, about	.	.	3 miles "

3d. The trains on the Western Road will be much the most frequent. With their double track and hourly trains, they would take a great number of persons, who would find these hours most convenient. All who purchase season tickets would find an obvious preference on that account.

4th. The time on the Eastern Rail-road would probably be shorter. A careful estimate was made by Mr. Neal, president of the Eastern Rail-road, of the time required on each, allowing them to run 25 miles an hour, and on the supposition that grades and curves are equal. The results are as follows:—

Salem to Boston via Malden,	17 $\frac{1}{2}$ miles,	61 minutes,
" " East Boston,	.	46 "

or fifteen minutes in favor of the Eastern Rail-road, including the ferry.

From Danvers to Boston by way of Malden, 49.8 minutes.

Danvers to Boston, via Salem and E. Boston, 51.2 "  
or one and four tenths minutes in favor of the Malden route.

But by equating the two roads on the principle of allowance for curves and grades, so as to estimate them in length, according to the time and power of running over them, would add to the difference, in distance, against the Malden route,  $1\frac{1}{4}$  mile, or three minutes to the time; and it would stand 52.8 to 51.2 minutes, or more than a minute and a half in favor of the Eastern Rail-road.

5th. The above estimates of time are based upon the expectation, that the engines of the proposed road would run into Boston over the Boston and Maine Road. No arrangement has been made, and it may be seriously doubted whether any can be made, to that effect. The business of that road is large and increasing. It crosses five draw bridges between the junction and its depot. Their engine-house stands on the northerly side of Charles River, and it was in evidence before the Committee, on another petition, that, under arrangements now

made or contemplated, for the ensuing summer, and when the Medford branch shall be completed, their engine would pass the draw of the Charles River Bridge about sixty times in fourteen hours. To add the five daily trains each way, of the proposed road, would make seventy, or about once every twelve minutes during the day. The rule in tending the draw is, not to suffer it to be drawn within fifteen minutes of an expected train. In reference to the long trains, that time could not be much shortened.

From these facts, it is manifest,

1st. That there must be great difficulty in arranging for the train of the proposed road, in addition to the regular and necessary passages of the trains of the Boston and Maine Road.

2d. That any such arrangement would be attended with delays and danger to the traveller.

3d. That to increase the trains on the bridge must almost entirely interrupt the navigation of the river.

The last consideration has great weight with us. We cannot but regard the public injury, in this respect, as of greater moment than any public benefit from the entry of the proposed road with the trains on the Boston and Maine Road. The petitioners urge, that, as the ships wait for the train, draw bridges are of no consequence on rail-road lines. But this argument leaves out of view the interests of navigation, which have a claim on the protection of government no less than rail-roads.

Two important streets in Boston are likewise passed by the same number of trains, and this is already felt as a serious evil.

These objections seem to us to forbid any such arrangement. The passengers from Salem, Danvers, and Lynn, will be liable to a detention at the Malden junction, awaiting the trains of the Boston and Maine Road. This alone would outweigh all the delays and uncertainties of the ferry.

Upon these grounds, it is manifest that the advantages of the old road would be so great over the new, that the competition would be ruinous to the latter.

It was proved, that the whole amount of business running

on both roads, if now built, would be from \$115,000 to \$120,000, and the running expense of both roads would be \$106,000. This would leave a clear paying profit upon one. But the excess over the running cost of both would, with a liberal allowance for increase, pay not more than two or three per cent. on their joint capital. This was the view taken by several of the most intelligent of the original petitioners who withdrew from the petition the present year. They saw that the advantages of the old road would be so great as to leave them no hope of a paying stock in the new.

We add here a statement of Mr. Neal, to show the effect of this competition, marked (C.)



(C.)

## MR. NEAL'S ESTIMATE OF RESULTS UPON THE PROPOSED ROAD.

Petitioners' Statement of Receipts and Expenditures.										Same, at Rates proposed on Eastern Railroad, with deduction to Boston and Maine Railroad.										Largest probable Amt. of Business at same rates.										Do. at probable Rates, in competition with Eastern Railroad.									
BETWEEN BOSTON AND		Number of Passengers.	Tons of Freight.	Rate per Passenger.	Rate per Ton.	AMOUNT.	Rate per Passenger.	Rate per Ton.	Less payable to B & M. R. R.	Less for teaming at both ends	Net rate per Passenger.	Net rate per Ton.	AMOUNT.	Largest probable passengers.	Largest probable tons.	Net rates as before.	AMOUNT.	Probable rate in competition with Eastern R. R.	Less payable to B & M. R. R.	Less for teaming.	Net rates.	AMOUNT.																	
South Danvers,		30,000	10,000	30	\$ 1 50	\$9000	40	\$ 1 60	12½	80	27½	55	\$8250	20,000	5000	27½	\$5500	20	12½	80	7½	\$1500																	
North Danvers,		3000	3000	33	1 50	15,000	45	1 70	12½	80	32½	65	6500	2000	1000	65	650	15	25	80	17½	350																	
Lynn, . . .		30,000	10,000	20	1 00	6000	25	50	12½	80	12½	25	1950	15,000	500	12½	1875	15	25	80	2½	450																	
Saugus, . . .		6000	2000	20	1 00	1200	25	50	12½	80	12½	25	750	3000	200	12½	375	20	25	80	7½	225																	
North Salem, .		30,000	5000	30	1 50	9000	40	1 60	12½	80	27½	55	8250	30,000	3000	27½	8250	20	12½	80	7½	2250																	
Adjoin. towns, .		10,000		30		7500	40		12½		27½		2750				1650	1 45	25		80	1200																	
Business between Salem and Danvers, -						5000	40						5000				3000					3000																	
						73,200							42,900				24,875					11,350																	
																	See next page.					See next page.																	
Allow for Interest and Superintendence, \$20,000																																							
Expense of operating, 30,000																																							
						\$50,000							75,725				75,725					75,725																	
Annual Net Profit, . . .						\$23,200							\$32,825				\$50,850					\$64,375																	

The undersigned came to this question with a desire to find, in the case to be presented, satisfactory reasons for granting the prayer of the petitioners. The nearly unanimous wish of highly respectable communities has not been treated lightly nor disregarded. But we have been constrained, from the evidence, to adopt a different conclusion.

Fortunately, we have not to deal with questions entirely new. The Constitution, the laws, and the usages of the Commonwealth, have settled and established some general principles which command universal assent. Among them, a cardinal maxim is, that rail-road charters, with their incidental and necessary powers and privileges, are not to be granted without an exigency founded on public utility and convenience. No unanimity of towns or neighborhoods, in the application, no hopes of private gain or speculation, are sufficient without that essential element.

The true policy of the State is not to encourage or authorize the outlay and consumption of capital, in multiplying roads where existing ones give the requisite facilities. A far higher degree of public convenience is to be attained by a single good road with double tracks. It is estimated that one road with two tracks will do the business of three roads with a single track each. It is also found that the freight of a road in full equipment, can be doubled, with an increase of running expense of only about twenty per cent.

The same system is the sure mode of obtaining low fares. If two roads are built where only one is needed, the proprietors will seek to indemnify themselves for the outlay upon both by a tax on the travelling public. If this is found difficult, they will diminish the outlay in the appointments of the road, and cut off expenditures for improvements, repairs and safety.

If this state of things is for awhile averted by the competition of the two for the public favor, all experience proves that such competition ends in compromise and union. The keen sight of interest soon discovers that it is better for them to prey on the public than upon each other. Convention for mutual advantage follows; after which, the public will be made to reimburse preceding losses, and in all future time pay a profit

on the capital sunk in the two. In the end, high fares, and poor and unsafe roads, are the certain concomitants of ill-advised competition.

Government should not aid in profuse waste of capital. The resources of a community, as well as of an individual, should be the subject of a prudent husbandry; and though governments cannot interfere with the mode in which individuals choose to manage their private concerns, it can abstain from becoming partners or abettors in schemes that sink capital in unnecessary objects and fruitless enterprises. Such we believe to be the present undertaking.

We have hitherto treated the subject on public grounds alone, without reference to the rights of the proprietors of the Eastern Rail-road or any measure of justice due to them from the State.

The petitioners claim that they are *independent* of the Eastern Rail-road; that it has no *property* in them or their custom, or at least that they have a right to say to *which* king they *belong*—as if such dependency, or property, or allegiance, was ever alleged by any one! They claim, too, that as Danvers is to be accommodated by a branch, they are only electing to *which* road they are to be permitted to branch—as if such obvious perversions of language could keep out of sight clear and distinct propositions of an entirely different nature.

There is no question of the power of the Legislature to grant the charter prayed for. But that power will not be exercised capriciously. It is no reason for granting it to one set of men because it is granted to another, for the grant is for the public, to be used in the name and for the benefit of the public.

And when the State has invited individuals to such investments, there is a reasonable expectation that government will not unnecessarily aid in its destruction or deprive them of a fair return. We say *unnecessarily*, for when the public good demands it, or a new exigency arises, there is not only the right but the duty of exercising the same powers again. Any other policy would defeat the very ends sought to be attained. Enterprise would be paralyzed, capital withheld, and the character and safety of our rail-roads retrograde, instead of advancing.

Thus good faith and good policy go hand in hand, against that narrow and short-sighted system which would seek to cheapen present accommodations by a fatal and ruinous competition.

In the application of these principles to the case in hand, to grant the prayer of the petitioners, would, to our minds, be against obvious and sound policy, and unjust towards the existing road. It would be a parallel road, competing for the same business which now supports the Eastern Rail-road, and giving no additional valuable accommodation to the public.

It shows neither an exigency nor any reasonable prospect of remuneration to those who may build it; and a higher degree of safety and convenience, and lower fares, will be realized by the Eastern Rail-road alone, than with the additional road here prayed for. We therefore recommend that the petitioners have leave to withdraw their petition.

Which is respectively submitted,

THOS. HOPKINSON  
JAS. F. BALDWIN,  
J. H. W. PAGE.

*March 26, 1846.*

## Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, March 26, 1846.

The undersigned, members of the Joint Standing Committee on Railways and Canals, to which were referred the Petition of David Pingree and others, and sundry other petitions in aid thereof, asking for liberty to construct a rail-road from Salem through Danvers, Lynn, Saugus, and Malden to the Boston and Maine Extension Company's Rail-road, at said Malden; and the remonstrance of the Eastern Rail-road Company against the said petition, having heard the parties, with their proofs and arguments of counsel, and having fully considered the same, now beg leave to submit the following Statement.

It is a subject of deep regret, that the Committee have not been able to agree on any conclusion upon this case.

Mr. Crowninshield, in consequence of some interest in the stock of the Eastern Rail-road, did not sit in the case, and the six remaining members of the Committee find themselves equally divided on the question. The undersigned find themselves favorably inclined towards granting a charter as prayed for by the petitioners, for the following reasons:—

1. As to the town of Danvers, one of the towns which the road prayed for is intended to accommodate:

This town contains about sixty-five hundred inhabitants. They are chiefly engaged in agricultural and manufacturing pursuits. They are proverbially an upright, moral, industrious, enterprising and intelligent people. Their business very much needs, and no one, who understands the position of the people will deny, that they deserve the favorable attention of the Legislature of the Commonwealth, in regard to furnishing

them with rail-road facilities for the accommodation of their business and travel.

It has been fully admitted in a former report on this case,—and it is otherwise every where acknowledged, that this town is entitled to other and greater rail-road facilities than it now enjoys. This town does not lie on any one of the great rail-road thoroughfares now in existence.

The Eastern Rail-road passes by it, in its course to Boston, leaving the town at a considerable distance on the right. There can be but little doubt, that there was a great mistake made in not constructing the Eastern Rail-road through this town—and the other points where the petitioners ask for a chartered route. But that error, which it is quite plain, with the present light on the subject of rail-roads, would not again be committed, is now past being redeemed. It being then admitted, that Danvers needs further rail-road accommodations, it becomes a matter of grave inquiry how they shall be afforded in a manner most conducive to their own, and to the public interests.

Two methods suggest themselves,—one by a branch to the Eastern Rail-road, and another by a branch to the Boston and Maine Rail-road,—and the question is, which of these shall be adopted?

It is true, indeed, that the Eastern Rail-road has heretofore enjoyed a large portion of the travel from this place to Boston, in consequence of its being nearer to that road than to any other. But the people of Danvers most strenuously object to connecting themselves with the Eastern Rail-road by a branch for several reasons,—part of which arise out of the ferry, which forms the communication between that road and Boston, and part from other sources. They believe this ferry to be an evil which, if it can be, ought to be avoided by them. They say, and have offered evidence to the Committee tending to show, that great delays are caused at this ferry, in consequence of the constant passing of vessels across the line of the ferry way, and also in consequence of the obstructions by ice and fogs,—that great inconvenience and annoyance result from the necessity for leaving the cars and entering on board the ferry boat;

and, on the other hand, by the great rush which occurs, in the passage from the boat to the cars, on the return from Boston. This, they say, has always been extremely annoying to all persons, more especially to females and children,—and the fact, that more than one thousand females have signed petitions for the road prayed for, tends to establish the truth of the position relative to this inconvenience and annoyance. There was, also, considerable other evidence tending to the same result.

The landing at the Eastern Rail-road wharf in Boston, is said to be remote from the central parts of the city, and the streets through which passengers are obliged to go up into the city, are usually very much crowded and encumbered by merchandise piled upon the side-walks in the operations of business,—at once a strong evidence of the growing trade of Boston, and an annoyance to the traveller. These same streets are, at certain seasons of the year, extremely wet and muddy, and difficult of passage also from this cause.

The merchandise depot of the Eastern Rail-road, is on the East Boston side of the ferry—from which merchandise is carried over, not by the boats of the Eastern Rail-road, but by the East Boston boats, and at the expense of the owner. The amount of freight from Danvers to Boston is said to exceed ten thousand tons annually; very little, if any of which, now passes by any rail-road whatever. The fact that this freight does not find its way into the Eastern Rail-road, shews that, in the minds of the business men of that town, the objections to the ferry are not unfounded; and, probably, if a branch were constructed from Danvers to Salem, those who have the charge of it would still be under the necessity of having it conveyed by teams, rather than have it subjected to the annoyances of the ferry. There can be no doubt, that this vast amount of freight makes a call for rail-road facilities, which cannot be answered in any suitable manner by any conveniences which can be offered by the Eastern Rail-road, even with a branch to Danvers.

For all these reasons, concerning which much evidence was given before the Committee, the people of Danvers greatly prefer a connection with a road by which they may enter Boston

at a convenient place—as the Boston and Maine Rail-road depot is, by a permanent structure across the water—and thereby avoid the evils of the ferry, and of the entrance into the city by the Eastern Rail-road passage. They do not feel that they ought to be compelled, either wholly to be deprived of the further rail-road facilities which they need, or to participate in the evils of the original mistake made in entering Boston by a ferry—when, by branching to another road in the manner prayed for, they may be permanently accommodated by a method of entering Boston, which, it is confidently believed, as it was admitted by the engineer who originally located the road over the ferry, the Eastern Rail-road itself will eventually be compelled to adopt, by force of the public sentiment, which it was testified is continually increasing its objections against this ferry.

It was further urged, and evidence was offered to show, that the proposed road would develop and foster some important branches of industry—such as the trade in ice, of which there is a great quantity of the purest kind on the line of the proposed route, and also the stone business—neither of which can be accommodated, and the former of which cannot be successfully carried on at all, without the aid of a road like that prayed for.

The town of Danvers has, by a very large vote of its citizens, expressed their desire and declared their need of the road, which they ask for in this petition.

2. As to the town of Saugus:—This town now contains a population of about twelve hundred inhabitants, who, as well as the people of Danvers, are chiefly engaged in agriculture and manufactures, and are, also, a very industrious and intelligent people. There is now no rail-road which affords them any facilities for travel or carriage of freight, except by going a distance of some miles, either to the Eastern Rail-road depot at Lynn, or to some depot on the route of the Boston and Maine Extension Road. There is no doubt that this town also, is entitled to the favorable consideration of the Legislature—and that, by the grant of a charter for, and the construction of, a



rail-road through it, its business and its population would be greatly increased. The business and interests of this town present a very strong case for legislative interference in their behalf. The road prayed for by the petitioners, is the only one, either now in operation or proposed, which can accomplish the much desired result of giving to this town a rail-road communication with Boston and with Danvers and Salem. There is no pretence that their travel belongs to any rail-road now existing. This town has also almost unanimously voted for the road prayed for by this petition.

3. As to Lynn :—This town has also, by a very strong vote, expressed its earnest desire to participate in the benefits which, it is confidently believed, will result from the proposed road. It has a large and busy population, which will, as they believe, be far better accommodated by the proposed road than by the present Eastern Rail-road.

The western portion of Lynn, through which the road prayed for proposes to go, lies at some, though not a very large, distance from the depot of the Eastern Rail-road. But this portion of the town, it is in fact admitted, should be better accommodated than it now is, by the proposition of the Eastern Rail-road to change the present line of their location and pass through it; but this proposition of the Eastern Rail-road has been opposed by a large vote of that town, for various reasons stated in their resolves, one of which is, that it still leaves them attached to the ferry, which they greatly desire to avoid for the same reasons which operate in the case of Danvers.

Very little, if any, of the freight from Lynn to Boston, now passes over the Eastern Rail-road, in consequence, it was testified, of the great trouble and difficulty of unloading and re-loading it at the ferry, and of its passage over the ferry without any assistance from the Eastern Rail-road.

It was testified, that their freight, which now goes by teams, would be carried over the proposed route, if granted. There was some contradictory evidence, however, on this latter point.

There was much and strong evidence to prove that there would be amply sufficient business to warrant the construction of the road prayed for and to sustain it, if granted.

There was also strong evidence to show that the road would be built, if chartered.

It was also proved that the route is a feasible one, having no objectionable grades or curves, and that it could be built at a moderate expense.

The objection to taking the land of private holders for the construction of this road, is greatly obviated by the fact, that a large portion of the people, over whose land it passes, are favorable to the road, and the land damages would consequently, in all probability, not be large. A strong fact in this case is, that there are no remonstrants against the proposed road excepting the Eastern Rail-road Company.

The city council of Salem have passed resolutions in reference to the proposed road, which are entitled to great regard and consideration, in consequence of the intelligence and high respectability of the source from which they emanate. But those resolutions are, it is submitted, if properly construed, not to be regarded as objecting to this road in itself considered, but only in reference to its effect upon the charter for a road, lately granted, from Salem to Andover. If the proposed road would really have any injurious effect on the Andover Road, the people of Salem might well object to it, and their objections would not, in that view, be disregarded; because it is highly desirable that the road to Andover should be built, not only for its extremely favorable effect on Salem, but also on the other parts of the county, tending, as it would tend, to unite and concentrate the county of Essex, and thereby greatly promote the moral, social, and business interests of the citizens. But it is not perceived nor believed, that the proposed road would have the slightest legitimate influence upon the question, whether the Andover road will or will not be built. If that be a good and beneficial project—as beyond all question it is—there is capital enough to construct it. If it were not a beneficial project, it would not be built at any rate.

There has been *no* action of the citizens of Salem, in their collective capacity, upon this subject. When notified that a hearing on the proposed road was to be had, they took no vote to appear or to remonstrate, nor did they appear before the

Committee in reference to it. They stood—and there is no doubt wisely so—entirely neutral on the subject.

It is well known that openings to the country on all sides by rail-roads, have proved highly beneficial to other towns and cities: and, that this opening to Danvers, Saugus, Lynn, Malden, and other places, would, by the termination of this road in Salem, be highly beneficial to the interests of the citizens of Salem, there can be very small doubt.

On the other hand, there is a very numerous body of petitioners for the proposed road, amounting to over three thousand legal voters, besides more than a thousand females—with regard to most of whom, it may be said, as it cannot be said in many cases, that their hearts and their intelligence go with their petitions.

If it were not, then, for the opposition of the Eastern Railroad, it is apprehended, that a clear case is made out for a charter, and that the Legislature would readily grant it. The question then arises, whether that opposition should, under the circumstances, vary the decision of the case.

There was evidence, or uncontradicted statements, made to the Committee, tending to show, that it was always understood that Danvers should be further accommodated than it now can be by the Eastern Rail-road, from the first building of the Eastern Rail-road. It appeared, that the Eastern Rail-road had done nothing in reference to the accommodation of that place until the presentation of the present petition of David Pingree and others to the last Legislature. The Eastern Rail-road then presented a petition for a right to construct a branch to Danvers, which the Legislature of last year, for obvious reasons, refused to grant.

Has, then, the Eastern Rail-road any legal right to the travel and business proposed to be accommodated by the road prayed for by the petitioners? The doctrine upon this point has been established beyond question in this Commonwealth, that they have not. Is it unjust to them to grant the proposed route? If it were, it certainly should never be granted. If the Legislature should choose, survey and point out the line which any particular rail-road should take, and confine the petitioners to

that, it might well be questioned whether they ought not to sustain it. But this is not so. The petitioners for rail-roads come and ask for a particular route. The Legislature grant or reject it. If they grant it, the petitioners and those who build the road alone, take the responsibility of so locating it, that the public on which they depend for business, shall be fairly accommodated by it. If not so accommodated, or if not accommodated at all, that public may certainly seek other accommodations in any manner by which they may be better afforded.

As to the question of public policy in granting a charter for this road; if it be conceded that a proper case for granting it, were made out, provided there were no opposition from the Eastern Rail-road, or upon a withdrawal of that opposition—and if, in the absence of their opposition, it would be granted, as it is apprehended it would be—and that public policy would not in that case forbid it, how, it is respectfully asked, is the question of public policy varied from the fact of that opposition? They do not remonstrate on the ground of public policy, but of their own individual interests. Can a charter be refused in a case fairly made out for one, because of an opposition on that ground merely? It is apprehended the case cannot reasonably be so treated.

**All of which is most respectfully submitted by**

**J. C. PERKINS,  
WALTER A. BRYANT,  
LUTHER LAWRENCE.**

**Commonwealth of Massachusetts.**

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The Joint Committee on Railways and Canals, to which was referred the Petition of David Pingree and others, for a charter to construct a rail-road from Salem to Malden, and the various petitions and memorials relating thereto, have duly considered said Petition, and report that the Committee have not been able to agree in any conclusion upon the subject, and ask to be discharged from the further consideration thereof.

By order of the Committee,

THOS. HOPKINSON, *Chairman.*





# SENATE....No. 86.

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## Commonwealth of Massachusetts.

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SENATE, March 27, 1846.

The Joint Special Committee, to whom was referred the petitions of Francis G. Shaw and others, of Chief Justice Wells, and of the Selectmen of Roxbury, praying for the establishment of a State Institution for the reformation of Juvenile Offenders, submit the following

### REPORT:

Considering the important nature of the subject confided to their charge, the Committee deemed it expedient to obtain the opinions of men who are most frequently brought into contact with young offenders against the laws, and who have had ample opportunities to judge of the effect of our present system, in its influence upon that portion of our population, and, through them, upon the welfare of the Commonwealth.

To that end, the Committee addressed a circular to various judges, sheriffs, keepers of Houses of Correction, and other persons in various parts of the Commonwealth, and the answers received indicate, with singular unanimity, the unmixed evil arising from the operation of our present laws upon juvenile offenders, and the strong necessity of some radical change.



It will readily be conceded that men are made what they are, in a great degree, by education. If a child is brought up with thieves and drunkards, it will be singular, indeed, if he become not a thief or a drunkard, or both; he may be educated to evil as well as to good. If a child is friendless, homeless—or if his parents are vicious, he is easily led into temptation, and induced, perhaps by want, perhaps by evil example, to **commit some small theft**. For this first crime, he will be carried before a court, and sentenced to the House of Correction. If at this point he could be rescued, placed under the care of judicious men, taught to labor, be furnished with a good moral and intellectual education, he would, in nine cases out of ten, perhaps, become a good and useful citizen. But we have no provision for such training. Instead of being thus disposed of, he is sent for a short time to associate with desperate and hardened criminals, and is then returned upon the community with feelings hardened, his moral sense blunted, and the spirit of revenge burning in his bosom, it may be, against those whom he considers the instruments of his degradation. He has learnt caution, too; he will not be less likely to steal, but he will be more wary, until again grown bold by success he will perform some feat which will bring him once more before the court, to procure another sentence to the House of Correction, where he will take still another and a deeper lesson in crime. What can be the result of such an education? What must be the end of such a child? Clearly, a total depravity in morals, and a life of wrong doing, terminated in the State Prison or on the gallows.

And hundreds of children in this Commonwealth are thus educated. From the information collected by this Committee, it appears that *ninety-seven children*, between the ages of six and sixteen years, were convicted and sentenced to the Houses of Correction in this Commonwealth, in the year 1845, excluding the counties of Suffolk, Norfolk, Hampshire and Barnstable. Ninety-seven children in one year, placed in a school which will infallibly make them accomplished knaves and villains, who might have been rescued by the strong arm of the Commonwealth, and educated in such manner as to have made

honest and useful citizens. Ninety-seven children in one year, placed on the highroad—and a rail-road, too—which ends at the State Prison, almost without a hope that one of them may ever be turned back !

Is there no remedy for this alarming and ever increasing evil ? Will the Legislature of Massachusetts, year after year, turn a deaf ear to the cries of these poor children ? refuse to stretch forth a hand for their succor ; *compel* them to travel the downward path of sin and infamy ; to become vagabonds, thieves, drunkards,—a band of Ishmaelites, preying upon ourselves ? This Committee are of opinion that a remedy may be found—that the Commonwealth may increase her high renown for good deeds, by adding one more to the number of her charitable institutions, which shall be as fruitful in good results as any now existing.

What plan should be adopted for such an institution, requires more consideration than this Committee, at this late period of the session, can give to it ; nor, in their opinion, is it necessary, or wise, for the Legislature to assume the duty of forming one : let a beginning be made now by an appropriation for the purchase of land and the erection of buildings, and let the details be placed in the hands of men of more leisure, in whose judgment and philanthropy the whole people of the Commonwealth will have full confidence, and the duty of this Legislature will be fairly done.

In corroboration of the views thus presented, the Committee have annexed to this report, extracts of letters on this subject, from several men whose high reputation gives to their opinions great value.

In conclusion, the Committee recommend the passage of the accompanying Resolves.

For the Committee,

JAMES MAGUIRE.

*From Dr. S. B. Woodward.*

STATE LUNATIC HOSPITAL, }  
Worcester, Feb. 25, 1846. }

HON. E. ROCKWOOD HOAR, *Boston* :

Dear Sir,—I received your circular of the 20th instant, and have examined the subject of it with interest.

Of course, as the institution which I superintend is a hospital, and not a prison, I am unable to give any definite answers to your four first queries; I can only say, that, in my opinion, *education* is the best means of reforming the juvenile offender, and preventing crime with the older classes.

I have no hesitation in saying, that so far as I understand the condition of such individuals in houses of correction, it is very bad indeed, calculated to corrupt, rather than reform the young. This is not the fault of those institutions; those who have the care of them cannot exclude these unfavorable influences, under any arrangements that I have ever seen. It is not sufficient, however, that there be no corrupting influences, if any such places can be found; it is absolutely important that the young be subjected to favorable impressions, and be trained in the course of virtue and of duty, or the tendency will be unfavorable, and great hazard be run, of a career of vice with individuals whose moral and intellectual culture has been neglected in childhood and early youth.

In my opinion, all institutions for juvenile offenders, should be separate from houses of correction, and have none of the character or discipline of a prison. The very name of *house of correction* is infamous and contaminating, not only in the opinion of the community, but also of the individual himself.  
\* \* \* \* There should be one or two institutions for this object in this Commonwealth, established upon a liberal scale, provided with teachers and all the appliances of instruction—a farm and work-shop for labor, with religious teaching, moral culture and physical training; every means should be provided which can impress new principles of conduct, and change the

motives and habits of the inmates. Small institutions of this kind generally fail; the provision for them is usually limited, the expense proportionably greater, and the public interest in them always less. If any attempt is to be made for this class of unfortunates, among whom there is talent, energy of purpose, and elements of character, which, if rightly developed, will do honor to human nature, and enable the possessor to fill stations of usefulness and respectability in society. I say, if any attempt is to be made, let it be better than has ever been attempted elsewhere. The capital that is employed by the Commonwealth in this enterprise will be well invested; better pay *little* for preventives, than *much* for punishment—for we can hardly use the word reformation with propriety as now applied.

Few are reformed by the present system; punishment will not reform this class of offenders—they must be reëducated; the change must be radical and thorough; punishment will not reach it, but moral, physical and intellectual training will effect it in many cases. In my opinion, no child under 12 should be sent to the house of correction or other prison, unless for murder, arson, or other high crimes—and not always for these crimes; extenuating circumstances should induce courts and juries to try reformation in many of these cases. Every individual, unless his offence is an aggravated one, should have a trial for remodeling of character, a new education, and an opportunity offered him to try again, under these new circumstances, the career of life. If he should again fall, and show that the effort made to save him was unavailing, it may be proper to punish him, even if young. The laws of man, imperfect as they must be, look to the offence, and the law of God to the *motive*, which leads to the offence. A youth that has had good moral, religious and intellectual training, may be more to blame for indulgence in common vice, not punishable by law, than the young man whose education has been neglected, or who, perhaps, has been educated for crime, would be in committing an offence of an aggravated character, punishable by imprisonment and hard labor, or even death.

So far as possible, these things should be considered, and the

rule reversed which is now too commonly adopted, to screen the individual who has respectable friends, and punish the friendless. An institution for juvenile offenders need not be as expensive as a prison—some strong rooms may be needed for sleeping apartments, but associated dormitories would afford sufficient security for a large proportion to sleep in—strong day rooms, dining rooms, shops and domestic and family apartments will be needed. Each individual in such an establishment should have some profitable employment in the intervals of school, alternated with seasons for recreation and amusement.

*From Wm. Sawyer, Esq.*

CHARLESTOWN, Feb. 26, 1846.

HON. E. ROCKWOOD HOAR,

Sir,—I have received your circular of the 20th, and am happy to learn that public attention is called to the laws touching juvenile offenders. I have long been under the impression that a revision of those laws would be a public benefit, and that future enactments are required to meet the wants of society. I am sorry to say, that I believe the want, exposure, temptation and suffering of some juveniles, in this town, would astound those who have never given any attention to it. And, I presume, Charlestown is no worse than other large places, where children are suffered to grow up without any moral culture; and, what is worse, amidst constant scenes of drunkenness, debauchery, and other crime, what can we expect of them? "Men do not gather grapes from thorns, or figs from thistles." It seems to me that public policy requires that the State should take charge of these unfortunate ones; and, when they are found thus neglected, instead of meting out punishment for them, should provide means for their relief.

During the past nine years, I have been frequently called upon to issue warrants against juvenile offenders. The complaints are for petty thefts, pilfering from gardens and orchards, malicious or thoughtless mischief—Sabbath-breaking, gambling for money, for being runaways, stubborn children, idlers and vagabonds; sometimes against boys under ten years of age, but mostly between the age of ten and sixteen. But there is seldom a case of a juvenile offender, in which I am not well satisfied that the parents, or person having the child in charge, is most blamable—they take no pains to make him attend school—they suffer him to be out nights without knowing or caring where; and, in many instances, they are incapable of taking care of themselves, much less their children; they have

no home fit for a child ; their residence is a grog-shop ; their companions drunkards and gamblers or worse ; they bestow no thought upon their child, until he falls into the hands of an officer and is brought before a court. If there was an institution where such boys might be sent at the outset, not for six months, but during the discretion of a competent board of overseers, I doubt not many would be saved who are now lost, and society would be the gainer.

With these views, I need not inform you that I issue warrants with great reluctance against juveniles, and enforce laws which lock them up among old offenders, and seem to me to make and increase the very evil they propose to remedy. I know officers serve such warrants with reluctance. I know public sympathy, awakened by the youth, or neglected and friendless condition of such offenders, often breaks out in harsh language against the law, and sometimes its indignation falls most unfairly upon the magistrate who is compelled to administer it.

P. S. I wish it to be distinctly understood, that the number of boys arrested on warrants in 1845, is, by no means all who have been complained of to me ; for want of some suitable place or means to reform such, I have declined issuing legal process in a far greater number of cases.

*Hon. Judge Washburn.*

Boston, March 11th, 1846.

HON. E. R. HOAR :

DEAR SIR,—I regret that I am not in possession of statistics, which will enable me to answer several of the interrogatories proposed, and still more that I shall be obliged to content myself with offering crude and hasty suggestions, where the result of much thought and reflection only should find a place. I have seen enough, however, of the scenes that are too often witnessed in courts of justice, not to feel sensible that the subject which you have under consideration, is one of great importance in every point of view.

It has been my painful duty in many cases, to have to pass sentence upon boys under the age of sixteen, who have been convicted of violations of the law, though I do not now recollect any one so young as ten, I remember several under fourteen, and some as young as twelve. Comparatively few of those indicated any deep seated malignancy or depravity, in the commission of the crimes with which they were charged. These have been chiefly a violation of the rights of property, and most commonly convicted of larcenies to no considerable amount.

The only mode of punishing these offenders, has been by imprisonment in jails or houses of correction, especially where, from the poverty of the criminal or other causes, it has not been a case for the imposition of a fine. I have always felt that there were serious objections to committing boys of such an age, to a jail or house of correction. In the first place, it attaches a stigma upon the character of the boy, which is a serious clog to his success in life, if he should be disposed to reform and seek to become a respectable man as he grows up.

In the next place, so far as I have ever known, little, or no opportunity for the instruction in the rudiments of an educa-



tion is furnished, and little more of moral than intellectual instruction and cultivation is infused into the minds of such boys, when so confined in any of our houses of correction. A greater evil than these even must result from bringing such boys in contact with, and to allow them to see and hold intercourse with the older prisoners who are confined there.

In order as it seems to me, to reform and bring back to a life of rectitude these juvenile offenders, the discipline applied to them in the way of punishment, should be calculated to counteract and control the influences and causes which first led them to the commission of crime. As a general thing, there are, so far as they have come under my observation, certain general identical characteristics in this class of offenders; want of early parental government—habits of idleness and association with low and vicious companions, and a neglect of education in schools, will be found to be the most universal of the many prolific causes of crime, which exist in regard to the young.

To correct these, the opposite influences must be brought to bear. There must be restraint coupled with kindness, habits of industry must be formed by uniform labor, voluntary or compulsory—they must be separated from the corrupting influences of bad companions, so far as possible, and instruction, at least in the rudiments taught in schools, must be provided, and to all this there should be added a constant, kind, moral influence, exerted over the boys thus placed under the process of reform and renovation.

The State must supply the place of a lost, or, what is worse, a drunken parent—and though it may be late in the boy's life provided, the bad passions and vicious habits have not hardened till they will not soften or bend, there is no reason why the State may not hope to save him and rear him up to usefulness.

To do this, however, effectually, something more is wanted than the grated windows or the crowded workshop, or solitary dormitory or prison dress of a house of correction. There must be an institution large enough to admit of classification of its inmates, and sufficient number of officers to keep a constant oversight of them, to teach them useful trades, to devote a cer-

tain portion of time to their instruction, and to prevent their corrupting or contaminating each other while engaged in the healthful, and, to that age, necessary sports and plays of active boyhood.

This, it must be obvious, can only be done by something like a State institution. The necessary expense of such an establishment would be large, and would not be justified for the accommodation of smaller districts. There should be nothing of odium in the name of the institution—and to prevent its being regarded purely as a criminal establishment, and, at the same time, to make suitable provision for them, vagrant, idle, and vicious boys should, under proper regulations, be also sent to the institution for purposes of restraint and reform.

The term for which boys should be committed to such an establishment, should be long enough to enable them to learn some useful trade; and, if provision could be made, that, as a reward for good conduct, they might become apprentices to proper masters, and, therefore, released from imprisonment; there would be the incentive of hope, and a sense of self-confidence awakened in those who might otherwise submit only with dogged endurance to imprisonment as a mere measure of punishment.

With these and such other appliances as must obviously present themselves to the mind, who would doubt that a great step would be taken towards solving that most difficult problem—What is the best mode of punishment, especially for juvenile offenders? That something should be done upon this subject, appears to me obvious. Without yielding to that sickly sentiment that prevails to some extent, which regards criminals as little more than unfortunate, and as rather the victims of bad institutions than of bad passions or bad habits.

Every one must have seen instances where the young offender against the law, is justly an object of compassion; he has been left friendless in his childhood, to grow up in ignorance; has been thrown among the low and vicious and corrupt, and, when overtaken by temptation, he has yielded, for the very reason that motives to do right, as well as powers to resist evil,

have never been developed by education, or called into action by discipline.

To save such from the destruction that awaits them, to educate them, to elevate them in the scale of moral beings, and to fit them for the higher destinies of man, is certainly one of the most sacred and imperative duties which society owes to its members.

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*Joseph E. Sprague, Esq., Sheriff of Essex County.*

SALEM, March 2d, 1846.

Gentlemen,—Provision cannot be made in our jails without a disproportionate expense. County establishments would furnish too few subjects and economy, government, instruction and improvement, all point to fewer establishments. The experiment should first be made with one State establishment. Better instructors could be obtained for it than for smaller establishments, and the expense in smaller ones would be much enhanced.

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*John Akerman, Esq.*

NEWBURYPORT, March 3d, 1846.

Mr. A. says,—If the Committee should report in favor of a State institution, it would be well to purchase a farm, as centrally situated as practicable, so that there should be appropriate seasons for instruction, labor and recreation, if, in the opinion of the superintendent, it should be thought proper, as a reward for the good behavior of the boys. This method would be far better than sentencing these boys to our houses of correction with old offenders. I think, when their sentence expires, they come away rather hardened than otherwise.

LOWELL, Feb. 26, 1846.

*Hon. Joseph Locke says :—*

Not having examined any institutions of the kind, I cannot presume to advise. But no subject more imperatively demands attention from the Legislature than the one alluded to.

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DEDHAM, Feb. 26, 1846.

*Hon. E. Wilkinson says :—*

I have felt, on several occasions, the propriety of having some place more calculated for reformation than our houses of correction, to which juvenile offenders might be sent. Such an institution should, I think, be wholly unconnected with our jails and houses of correction; much of the odium incurred by an imprisonment, would thus be saved, and the reformed boy more encouraged to persevere in wiping out the stigma, which might otherwise bear him down.

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*The Hon. John W. Clifford, of New Bedford, says :—*

I have often seen cases in which, I think, such an institution as is proposed as a place of confinement, instead of the common jail or house of correction, might have made all the difference of saving to society a useful citizen, or confirming by the punishment which the law demands, all the evil tendencies which have brought the offender to the criminal bar. I hope the information you may be enabled to lay before the Legislature, will induce the government to try the experiment, at least.

*From Moses Grant, Esq.*

Boston, March 3d, 1846.

I have seen many boys in Boston jail, which is necessarily, from its bad construction, as great a school of vice as can be well imagined, and eminently calculated to harden them in crime; as to the house of correction, at South Boston, I believe it to be equal to any in our country, but have often seen a large number of minors, from 14 to 18, who I could not conceive, could be benefited by such an institution however well conducted. My own idea, on the subject of crimes among juvenile offenders, is somewhat difficult to express on paper; believing that most of the offences, for which the young are convicted, cannot be reformed by jails and houses of correction, and are often committed through ignorance, and bad example, and temptation, I would rather regard the circumstances than the crime—having known boys who had committed the most aggravated offences, and who by kind instruction and discipline, have reformed and done well, from whom if committed to a house of correction, no good could possibly have been expected. And last, I would advise that the State should provide, in some central location, a sufficiently large farm, and connected with it certain mechanical trades, to be placed under the care of a most experienced and faithful superintendent. The boys should be instructed in agriculture, and such mechanical arts and trades as circumstances would permit.

I have generally found, that what have been considered in this city the worst of boys, when placed in more favorable circumstances to the development of their character, have often done well and become useful men. The boys at Farm School, are, for the most part, contented, happy and promising; all of them having been placed there for some intractability or other sufficient cause, if not for actual crime. Many a boy on arriving at maturity has said to me, the restraining influence of

the House of Refuge or Farm School, has saved me from the State Prison—and such I know to be the fact. There are many parents, unable or incapable of controlling their children, though desirous of doing so; consequently they fall into crime. Now it appears to me, to be the duty and interest of society to provide for such. If such parents could place their children at some such State institution as the Farm School, by paying a moderate compensation, great good would result to both parents and children. Would it not be far better for the State, to do something for that class of boys, to prevent them from becoming actual criminals, than to be taxed perhaps tenfold in after life for their support in almshouses, prisons, &c? I am aware that your inquiries have a particular reference to boys who have committed actual offences. Yet, in my own mind, so slight a difference between such as are just on the verge of crime, that I confess it to be difficult to make any broad distinction, it being morally certain what the latter will be if unprotected.

Fearing that this communication has already reached a tedious length, I will only add my sincere hope that the important subject will be brought to a favorable decision, it being one of as much importance as ever came before the Legislature of Massachusetts.

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*The Hon. John W. Lincoln, of Worcester, in a communication to the Committee, says:—*

I will mention a case for which it would seem some legislation is required. An intemperate man in this town, has children who he will not allow to attend our public schools, but employs them in begging or in doing some small jobs of work, that will bring to him money to feed his vicious appetite. Their children can be committed to the house of correction as common beggars, but, as soon as their term of confinement should expire, they would return to their parents, and be compelled to resume their evil courses. The overseers of the poor

cannot interfere, and take these neglected children and place them in suitable places to receive moral and religious instruction, and fit them for future usefulness, as their parent has asked no pecuniary aid of the town.

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*The Hon. S. D. Parker, of Boston, has made to the Committee the following Statement.*

That during the year 1845, there had been a great and alarming increase of juvenile offenders, and the crimes these youths have committed were of a very aggravated character, including arson, stabbing, shop-breaking, larcenies, &c.

## **Commonwealth of Massachusetts.**

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In the Year One Thousand Eight Hundred and Forty-six.

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### **RESOLVES**

**For the Erection of a State Manual Labor School.**

*Resolved*, That His Excellency the Governor, by and with the advice and consent of the Council, be and he is hereby authorized and empowered, to purchase a lot of land containing not less than fifty acres, in the name of the Commonwealth, which shall be an eligible site for a Manual Labor School, regard being had, in the selection thereof, to the centre of population; and that His Excellency the Governor, with the advice and consent of the Council, appoint a board of three commissioners, who shall cause to be erected on said land, buildings suitable for the accommodation of three hundred scholars, with a superintendent and the requisite number of teachers. And that said commissioners shall have power to make all necessary contracts for, and to appoint an agent or agents to superintend the erection of such buildings; and shall also ascertain and report to His Excellency, a system of government therefor at, or before, the time when the same shall be completed. And the said commissioners shall present all their accounts to the Governor and Council, to be by them audited and allowed, as they shall deem just.



*Resolved*, That, to defray the expense incurred by the purchase of said land, and the erection of said buildings, His Excellency the Governor be, and he hereby is, authorized to draw his warrants, from time to time, on the Treasurer of this Commonwealth, for the necessary sums of money, not exceeding, in the whole, thirty thousand dollars.





# SENATE....No. 87.

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## Commonwealth of Massachusetts.

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IN SENATE, March 28, 1846.

The Committee on Mercantile Affairs and Insurance, to which was committed the Petition of Stephen Merrihew and others, praying for the appointment of Commissioners to survey the Harbor of New Bedford, report the accompanying Resolve.

THOS. G. CARY, *Chairman.*

## **Commonwealth of Massachusetts.**

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In the Year One Thousand Eight Hundred and Forty-six.

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### **RESOLVE**

Relating to the Survey of the Harbor of New Bedford.

*Resolved*, That His Excellency the Governor be, and he hereby is, authorized and requested, with the advice and consent of the Council, to appoint one or more commissioners, to take, or cause to be taken, an accurate survey and soundings of the harbor of New Bedford, and to report whether any injury has arisen, or is to be apprehended, from the authority given by law to the owners of lots adjoining the Accushnet River, to erect and maintain wharves extending to the channel of the river; whether any alteration of said law is necessary in order to preserve unimpaired the free navigation of said river, and to prevent injury to the harbor by encroachments from either side; and whether it is necessary to define limits in the harbor, by established lines, beyond which no individual shall be allowed to extend his wharf, or to lay vessels while secured to any wharf now built, or that may hereafter be erected,—said commissioners to give at least ten days' notice of the time and place of their meeting, by publishing the same three times in the New Bedford Mercury, and leaving a copy thereof with the town clerk of New Bedford, and one with the town clerk of Fairhaven, so that all persons interested may appear and be heard in relation to the same; and to make re-

port of their doings, on or before the first day of January next, to the Governor and Council, with such plans, or other sufficient representations and descriptions thereof, as shall clearly show and exhibit the same; which report and plans shall be laid before the Legislature by the Governor.

*Resolved*, That the Governor, with the advice and consent of the Council, be, and he hereby is, authorized to draw his warrant on the Treasurer of the Commonwealth, for such sum or sums of money, not exceeding, in the whole, one thousand dollars, as may be necessary to carry the foregoing resolve into effect. And the Governor and Council are further authorized and empowered to audit and allow the account of the commissioner or commissioners appointed to make the foregoing surveys and plans.



# SENATE.....No. 88.

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## Commonwealth of Massachusetts.

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IN SENATE, March 27, 1846.

The Joint Committee on Railways and Canals, to which was committed the Petition of Joseph Woodruff and others, praying for a charter to construct a branch rail-road from Chelsea to Malden, report the accompanying Bill.

THOS. HOPKINSON, *Chairman.*



**Commonwealth of Massachusetts.**

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In the Year One Thousand Eight Hundred and Forty-Six.

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**AN ACT**

To incorporate the Chelsea Branch Rail-road Company.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1   SECT. 1. Joseph Woodruff, Joshua Norton, Jr.,  
2 John Rayner, Benjamin Pond, John Lilley, Hiram  
3 Pond, Ebenezer W. Stone, George Passarow, their  
4 successors and assigns, are hereby made a corporation,  
5 by the name of the Chelsea Branch Rail-road Com-  
6 pany, with all the powers and privileges, and subject  
7 to all the duties, liabilities and provisions, contained in  
8 the forty-fourth chapter of the Revised Statutes, and  
9 in that part of the thirty-ninth chapter of said statutes  
10 relating to rail-road corporations, and in the public  
11 statutes which have been, or may hereafter be, passed  
12 relating to such corporations.

1     SECT. 2. Said company is hereby empowered and  
2 authorized to locate, construct, and finally complete, a  
3 rail-road, with one or more tracks, from some conve-  
4 nient point at or near the Eastern Rail-road, in Chel-  
5 sea, to a point in said Chelsea nearly opposite and  
6 not less than two hundred feet north of the Dell, in  
7 the Cary Farm; thence on a line curving to the north,  
8 crossing the old road to Malden, not less than two  
9 hundred feet north of the southwest corner of said  
10 Cary Farm; thence continuing on said line to the  
11 Winnisimmet marsh; thence in a straight line, in such  
12 a direction as when produced would strike near the  
13 northwest corner of the Richardson marsh, near the  
14 dam on Island End River, passing in said direction so  
15 as to cross over Malden street, not less than one hun-  
16 dred and twenty-five feet north of the northerly bridge  
17 in said street; thence continuing in said straight line,  
18 to a point about four hundred feet easterly of said  
19 northwest corner of the said Richardson marsh, near  
20 said dam on Island End River; thence curving to the  
21 north, and running not less than seventy, nor more  
22 than one hundred and twenty feet north of said Island  
23 End River, and not more than eighty feet south of the  
24 Boston and Chelsea Iron and Screw Company's fac-  
25 tory; thence northerly of said river, to some conve-  
26 nient point of intersection with the Boston and Maine  
27 Rail-road, in said Malden, without obstructing the  
28 navigation of the main stream of Island End River,  
29 below the dam aforesaid.

1     SECT. 3. The depot of said Chelsea Branch Rail-  
2 road Company, at Winnisimmet Village, shall be near  
3 or about the centre of the route of said Branch Road

4 through the said marshes, or about midway between  
5 where said route crosses the old road to Malden and  
6 the dam aforesaid; and no stone, gravel, or other  
7 building materials, shall be taken by said Branch Rail-  
8 road Company, or its successors, or by any corpora-  
9 tion entering said Branch Road, from Island End Hill  
10 in said Malden, nor from the uplands of the Winni-  
11 simmet Company, nor from the marshes aforesaid, nor  
12 from the Cary Farm, without the consent of the own-  
13 ers of the estates from which the same may be taken,  
14 excepting only the land over or upon which said rail-  
15 road shall be actually located as aforesaid. And the  
16 owners of said Winnisimmet, Richardson, the Sands,  
17 and Cary estates, and their grantees or legal represent-  
18 atives, shall have the right to locate, build and main-  
19 tain, continuous streets and ways, connecting their es-  
20 tates divided by said rail-road, and cross and re-cross  
21 said track or tracks, over, under, or on a level with  
22 the rail-road, where it runs through said estates, and  
23 where it separates any part of the same from said  
24 Island End River, as they shall find most convenient,  
25 not obstructing the locomotives and cars running on  
26 said track or tracks: *provided, however*, that said  
27 Branch Rail-road Company, and its successors, shall  
28 not be exempted, by the provisions of this act, from  
29 any damages for lands taken from, or damages done  
30 to, the landings, streets, passage-ways, lots, or other  
31 property of the owners of said Winnisimmet, Richard-  
32 son, Sands and Cary estates, by the location of said  
33 tracks and depot across or upon their lands, landings,  
34 streets, passage-ways, lots, or other property, as afore-  
35 said.

1    **SECT. 4.** The capital stock of said corporation  
2 shall consist of not more than two thousand shares, of  
3 one hundred dollars each, the number of which shall  
4 be determined, from time to time, by the directors  
5 thereof; and the said corporation may take, purchase,  
6 and hold such real and personal estate, as may be ne-  
7 cessary and convenient for the purposes of their incor-  
8 poration, subject, however, to the provisions contained  
9 in this act.

1    **SECT. 5.** If the location of said Branch Rail-road  
2 shall not be filed, according to law, within one year,  
3 or if said company shall not complete said Branch  
4 Rail-road within three years from the passage of this  
5 act, then the same shall be null and void.

1    **SECT. 6.** The Legislature may, after the expira-  
2 tion of five years from the time when said Branch  
3 Rail-road shall be opened for use, from time to time,  
4 reduce the rates of toll, or other profits upon said road,  
5 but said tolls and other profits upon said rail-road shall  
6 not, without the consent of said company, be so re-  
7 duced as to produce, with said profits, less than ten  
8 per cent. per annum to the stockholders.

1    **SECT. 7.** Said Branch Rail-road Company is here-  
2 by authorized to enter, with their road, upon the Bos-  
3 ton and Maine Rail-road, at the point of intersection  
4 therewith, mentioned in the second section of this act,  
5 and to use the same, or any part thereof.

1    **SECT. 8.** The Legislature may authorize any com-  
2 pany to enter, with any other rail-road, at any point  
3 in said Chelsea Branch Rail-road, and to use the same,  
4 or any part thereof.

1      **SECT. 9.** The said Branch Rail-road Company is  
2 hereby authorized and empowered to transfer all its  
3 property, rights, privileges and franchises, under this  
4 act, either to the Boston and Maine Rail-road Com-  
5 pany, or to the Eastern Rail-road Company, or to both  
6 of them, whenever either or both of said last-men-  
7 tioned corporations shall elect to receive and hold the  
8 same, in such manner, and on such terms, as shall be  
9 mutually agreed upon by either or both of said last-  
10 mentioned corporations and said Chelsea Branch  
11 Rail-road Company; and, upon such transfer, all the  
12 powers and privileges hereby granted shall be vested  
13 in either or both of the said companies so purchasing  
14 and receiving the same, and its successors.





# SENATE.....No. 89.

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## Commonwealth of Massachusetts.

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IN SENATE, March 31, 1846.

The Special Joint Committee on Railways and Canals, to which was committed the Petition of the Connecticut River Rail-road Company, praying for liberty to extend their road, have considered the same, and report the accompanying Bill.

GEO. WHEATLAND, *Chairman*.



**Commonwealth of Massachusetts.**

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**In the Year One Thousand Eight Hundred and Forty-Six.**

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**AN ACT**

**Authorizing the Connecticut River Rail-road Company to extend their Road.**

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1    **SECT. 1.** The Connecticut River Rail-road Com-  
2    pany may extend, construct, and open for use, their  
3    road from its present terminus, in the town of Green-  
4    field, to any point on the north line of the State, west  
5    of the Connecticut River, in either of the towns of  
6    Bernardston or Northfield ; and, in the location and  
7    construction of said road, shall have all the powers and  
8    privileges, and be subject to all the duties, liabilities  
9    and provisions, contained in that part of the thirty-  
10    ninth chapter of the Revised Statutes which relates  
11    to rail-road corporations, and in all general laws which  
12    are now, or may be hereafter, in force, relating to rail-  
13    road corporations in this Commonwealth.

1    **SECT. 2.** Said corporation may, at said State line,  
2 connect their rail-road with the rail-road of any com-  
3 pany or companies which are, or may be, incorporated  
4 and established by the State of Vermont ; or they may  
5 connect their road with the rail-road of the Vermont  
6 and Massachusetts Rail-road Company, at any conve-  
7 nient point between the said State line and the point  
8 where the rail-road of said last named company may  
9 cross the Connecticut River ; and the said Connecti-  
10 cut River Rail-road Company may, at such point of  
11 connection, enter upon and use the rail-road of the said  
12 Vermont and Massachusetts Rail-road Company, sub-  
13 ject to the provisions of law, in such cases made and  
14 provided.

1    **SECT. 3.** Said corporation are hereby authorized to  
2 increase their capital stock, by an amount not exceed-  
3 ing five hundred thousand dollars, by creating an addi-  
4 tional number of shares, not exceeding five thousand  
5 shares of one hundred dollars each.

1    **SECT. 4.** If the location of said road be not filed  
2 with the county commissioners for the county of Frank-  
3 lin, according to law, within two years from the pas-  
4 sage of this act, or if said company shall not complete  
5 said rail-road within three years from the passage of  
6 this act, or if the Vermont and Massachusetts Rail-  
7 road Company shall take legal possession of the line  
8 of road between said termini, on or before the first day  
9 of May next, and complete the construction thereof,  
10 and open the same for use within eighteen months  
11 thereafter, then this act shall be void.

1    **SECT. 5.** This act shall take effect from and after  
2 its passage.



## SENATE.....No. 90.

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### Commonwealth of Massachusetts.

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IN SENATE, April 1st, 1846.

The Joint Committee on Education, to which was committed a joint order passed January 27, 1846, instructing them to inquire into the expediency of revising and embodying in one act the provisions of law now in force, in regard to the report, certificate, and return now required to be made by the school committees, in order to entitle the several cities and towns to receive their respective proportions of the income of the School Fund; also, a joint order passed January 29th, directing them to inquire whether any provision is necessary by law, to determine whether the school returns now required to be made to the Secretary's office, shall be made by the school committee who have had the supervision of the Schools for the year preceding, or by that which shall have been last chosen; and also, a joint order passed January 30th, directing them to inquire whether any provision is necessary to secure an equitable distribution of the money appropriated for the support of public schools, among the several school districts. Also, a joint order passed January 31st, directing them to inquire into the expediency of providing, that in the annual distribution of money for the benefit of our public schools, the same shall be distributed as near as practicable according to the average attendance in the schools. Also, a joint order passed February 20, directing them to inquire into the expediency of so amending the law concerning school committees, that such committees hereafter elected shall enter on the duties of their office on the first day of May in each year, report the accompanying Bill.

Per order,

J. C. GRAY.

**Commonwealth of Massachusetts.**

In the Year One Thousand Eight Hundred and Forty-Six.

**AN ACT**

Relating to the duties of School Committees, and the distribution of the Income of the School Fund.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1    **SECT. 1.** In every city and town in the Common-  
2 wealth, in which it is now required by law that the  
3 school committee shall be elected in the month of  
4 February, March or April, the school committee of the  
5 year preceding such election shall continue to hold  
6 their office, and to discharge the duties thereof, not-  
7 withstanding the election of successors, until the win-  
8 ter terms of the several schools shall have closed, and  
9 until the certificate, return, and report, as hereinafter  
10 provided, shall have been by them made and transmit-  
11 ted to the office of the Secretary of the Common-  
12 wealth. *Provided, however,* that, in regard to the  
13 examination of teachers for the summer schools, the  
14 visitation of those schools, and all other duties, the

15 term of office of the new committee shall be held to  
16 commence immediately after their election to the same.

1     **SECT. 2.** The school committee of each city and  
2 town shall, as soon as may be after the first day of  
3 May, annually, ascertain, by actual examination or  
4 otherwise, the number of persons between the ages of  
5 four and sixteen years, belonging to such city or town,  
6 on the said first day of May, and shall make a certifi-  
7 cate thereof, under oath, and also of the sum raised  
8 by such city or town for the support of schools, in-  
9 cluding only wages and board of teachers, and fuel  
10 for the schools, during the said year; and shall trans-  
11 mit the same to the Secretary of the Commonwealth,  
12 on or before the last day of the following April, which  
13 certificate shall be in the following form, to wit:

14     We, the school committee of ———, do certify,  
15 from the best information we have been able to obtain,  
16 that, on the first day of May, in the year ———, there  
17 were belonging to said town the number of       per-  
18 sons, between the ages of four and sixteen years; and  
19 we further certify, that said town raised the sum of  
20       dollars for the support of common schools for  
21 the said year, including only the wages and board of  
22 teachers, and fuel for the schools.

23                               ———   ———, }  
24                               ———   ———, } *School*  
25                               ———   ———, } *Committee.*

26     —— ss. On this —— day of —— personally ap-  
27 peared the above-named school committee of ——,  
28 and made oath that the above certificate by them sub-  
29 scribed is true.

30             Before me,

31             ———   ———, *Justice of the Peace.*

1    **SECT. 3.** The form of the blanks, and the inquiries  
2 provided for by the statute of the year one thousand  
3 eight hundred and thirty-seven, chapter two hundred  
4 and twenty-seven, shall be prescribed by the Board  
5 of Education; and it shall be the duty of said Board,  
6 in the month of January annually, to transmit to the  
7 Secretary of the Commonwealth copies of said blanks  
8 for the several cities and towns. It shall be the duty  
9 of said Secretary to cause said blanks to be forwarded  
10 to the sheriffs of the several counties, who shall trans-  
11 mit them as soon as may be to the clerks of the several  
12 cities and towns within their counties respectively, and  
13 said clerks shall forthwith transmit the same to the  
14 school committees. The school committees of the  
15 several cities and towns shall return said blanks duly  
16 filled up to the office of the Secretary of the Common-  
17 wealth, on or before the last day of April. If any  
18 school committee shall fail to receive such blank form  
19 of return on or before the last day of March, they shall  
20 forthwith give notice thereof to the Secretary of the  
21 Commonwealth, who shall transmit such blank as soon  
22 as may be.

1    **SECT. 4.** The school committees shall annually  
2 make a detailed report of the condition of the several  
3 public schools in their respective cities and towns,  
4 which report shall contain such statements and sug-  
5 gestions in relation to such schools as the said com-  
6 mittees shall deem necessary or proper to promote the  
7 interests thereof; and a certified copy of such report  
8 shall be transmitted by said committees to the office  
9 of the Secretary of the Commonwealth on or before  
10 the last day of April. Said report shall also be de-  
11 posited in the office of the clerk of the city or town;

12 and shall either be read in open town meeting, in the  
13 month of February, March, or April, or, at the discre-  
14 tion of the school committee, shall be printed for the  
15 use of the inhabitants.

1     **SECT. 5.** The income of the Massachusetts School  
2 Fund, to the first day of June in each year, except the  
3 sum of two hundred and forty dollars, appropriated to  
4 the support of schools among the Indians, shall be ap-  
5 portioned by the Secretary and Treasurer, and paid  
6 over by the Treasurer on the tenth day of July, to the  
7 treasurers of the several cities and towns, for the use  
8 of the common schools therein, according to the num-  
9 ber of persons therein, between the ages of four and  
10 sixteen years, ascertained and certified as provided in  
11 the second section of this act. *Provided, however,* that  
12 no such apportionment shall be made to any city or  
13 town which shall have failed to comply with any of  
14 the provisions of this act, or which shall not have rais-  
15 ed by taxation for the support of schools, including only  
16 wages and board of teachers and fuel for the schools,  
17 during the said year, a sum equal at least to one dollar  
18 and fifty cents for each person between the ages of  
19 four and sixteen years, belonging to said city or town,  
20 on the first day of May of said year.

1     **SECT. 6.** This act shall take effect from and after  
2 the last day of April, in the present year; and the  
3 Secretary of the Commonwealth shall transmit a copy  
4 thereof to the school committee of each city and town,  
5 as soon as may be after the passage of the same.

1     **SECT. 7.** All acts and parts of acts inconsistent  
2 with this act, are hereby repealed.









## SENATE.....No. 91.

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### Commonwealth of Massachusetts.

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*To the Honorable the Senate and House of Representatives of  
the Commonwealth of Massachusetts in General Court as-  
sembled :—*

Respectfully shew the Eastern Rail-road Company, by their  
President,—

That your petitioners are advised that a bill has been reported to your honorable bodies, providing for an alteration in the draw of the Newburyport Bridge, intending to include the Eastern Rail-road Company in its provisions—which bill, if passed, will be, in the opinion of your petitioners, highly injurious to the interests, and subversive of the rights of said company, acquired under the laws of the Commonwealth. These rights and interests are based as well on their own franchise, as on the franchise of said Bridge Corporation, whose power to convey, and whose actual conveyance of their powers and privileges, under any franchise, has been recognized and confirmed by a solemn act of the Legislature. That, by the act entitled “An Act to incorporate the proprietors of the Newburyport Bridge,” approved March 4th, 1826, power is granted to construct a bridge across the Merrimack River, at Newburyport, in a certain manner and on certain terms—among which terms is one, that they shall construct a convenient draw for the pas-

sage of vessels having masts, which draw shall be *not less than thirty-eight feet wide*; that all these terms were complied with, a draw "not less than thirty-eight feet wide" having been constructed, and that condition thereby fulfilled. Had the condition been the payment of a sum "not less than \$10,000," it is presumed that the payment and acceptance of that sum would have been held an entire fulfilment of the conditions, and thereby have bound the party accepting, and discharged the party paying it. This charter was purchased of the government, and a valuable consideration to wit, the bridge itself, after the expiration of forty years, agreed upon as the price.

It is believed that the rights of the proprietors of the Newburyport Bridge rest on a basis as solid as that of the government itself, having resulted, not from a grant merely, but a purchase, and have become thereby, at least as sacred as any other private property. It has been contended that rights so acquired, enjoy a superiority to estates in general, and cannot be reached in any way, even by the supreme authority of the State—because that authority does not avail to take back what it has once solemnly granted. This principle, in its extent, is not contended for by your petitioners. They admit that the power of *eminent domain* covers such cases—and that the Legislature may, on full compensation, and under the pressure of evident public exigency, annul the rights, powers and property, granted to, or held by, any individual or body of individuals.

Considering, then, the title of the proprietors of the Newburyport Bridge to be perfect as to the whole possession, conduct and control of the structure erected for them, so long as the conditions imposed were complied with, the act incorporating the Eastern Rail-road Company obliged them to purchase the rights and easement of the proprietors of said bridge, since it made it imperative upon said company to locate their road *across the site* of the Newburyport Bridge, and was so intended, in order to avoid further obstructions to navigation, and upon the understanding that the two structures could be advantageously combined by means of mutual agreement, and upon the payment of a just equivalent. The act incorporating the Eastern Rail-road Company, made no provision for a draw of any

sort; but, by the agreement and contract made between the company and the proprietors of the bridge, it was stipulated that a new structure should be erected on the old piers, and that a draw, "not less than thirty-eight feet wide," should be constructed and maintained. This indenture, however, conveys to the Rail-road Company no property in the piers or the bed of the river over which the bridge passes; it obliges them to maintain the bridge when built, but not to alter it. On the contrary, it imposes on them the obligation to maintain it as it would be, when completed, to the satisfaction and acceptance of the proprietors of the Newburyport Bridge, and the provisions of said indenture are based upon the supposed permanency of their rights so to have it maintained. All this was paid for in money and other equivalents, and the structure, when completed, was accordingly accepted.

Not only was all this done, but by an Act, entitled "An Act in addition to an Act to incorporate the proprietors of the Newburyport Bridge," approved March 17, 1841, the whole transaction is recognized and confirmed, and the right of taking toll, &c. secured to the proprietors of the bridge. This Act contained a condition, that if sand, &c. should accumulate beneath the draw, so as to obstruct the passage of vessels, the Legislature should have power to order the removal of the draw to some other part of the river. This Act was solely to the benefit of the proprietors of the Newburyport Bridge, and could of course create no new obligation on the part of the Eastern Rail-road Company. The contingency contemplated has never yet occurred; and the only inference to be drawn from the Act is, that the Legislature, conscious of its want of authority over the bridge, took this opportunity to acquire a certain power to the extent specified, with the consent of the proprietors of the bridge. No power, however, was reserved or claimed *for widening the draw*.

Under these circumstances, the petitioners respectfully deny the right of the Legislature of this State, or of the legislative authority of the United States, to alter or in any way interfere with the bridge which has been thus constructed for the passage of the trains of the Eastern Rail-road Company. Any

law requiring action by the Eastern Rail-road Company, whereby the property of another corporation would be injured, would be obliging them to do an unlawful act, and would consequently be void. A law obliging the proprietors of the Newburyport Bridge to carry into effect such an Act, would impair the obligation of the contract between the two companies, confirmed by the Legislature itself, and in fact resulting, as a necessary consequence, from its own deliberate enactment—and would be, of course, unconstitutional. The Legislature may, by law, direct the executive officers of the State to alter or destroy the bridge and rail-road over the Merrimack River, if in the opinion of the Legislature such a public exigency exists as to require a measure so extreme; but it is submitted that such an Act must provide for full and complete indemnification for the party injured, from the public treasury.

Whether the Legislature will decide that such an exigency exists, in the case in question, and to such an extent as to warrant the action proposed, will, no doubt, depend upon the facts in the case, and particularly upon those facts tending to show the amount of damage to be sustained by and compensated for to the parties who might suffer, compared with the benefit to be attained. On this point little or no evidence was adduced by your petitioners before the Committee, and it may not, therefore, be improper to state, that independently of the long time during which the travel and the transmission of the mails would be interrupted by the contemplated change, and of the doubt whether a draw of the width proposed could be made practically safe, the interruption itself could not but materially divert the travel on the Eastern Rail-road, either temporarily or permanently, into another direction, and thus seriously depreciate the whole value of the Eastern Rail-road stock. Your petitioners are unwilling to over-estimate these losses and evils, but there cannot be a doubt they would result to an immense extent, and to an amount scarcely to be estimated by those who have not the same opportunity with your petitioners, for forming an accurate judgment.

The power of the government over private property has never been claimed before, to a greater extent than that exercised in

the case of the Warren Bridge, where the injury resulting to another bridge was entirely incidental; whereas by the Bill now proposed, not only the right of exercising the power of ownership, but that of obliging the owners of property to incur a great expense, in changing the condition of their own property, to suit the real or supposed convenience of others, and all this without any compensation to the necessary loss, is evidently claimed as a constitutional exercise of power.

Against this your petitioners beg leave respectfully but earnestly to remonstrate, and to ask your honorable bodies either to reject the Bill, upon your own sense of what is fitting and reasonable in the premises, or, at least, before taking decisive action against them, in a matter involving principles of the utmost moment; before subjecting your petitioners to great expense in the defence of the rights which they believe to be secured to them by the Constitution and the Law, and exposing them to great incidental loss and damage;—to obtain the deliberate opinion of the constitutional advisers of the Legislature, as to the real extent of legislative powers in the premises.

And your petitioners, confiding in that sense of justice and that respect for legal and constitutional rights, which has ever characterized the legislative action of the Commonwealth, as in duty bound, will ever pray.

D. A. NEAL,  
*President Eastern Rail-road Co.*









## SENATE.....No. 92.

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### Commonwealth of Massachusetts.

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IN SENATE, March 18, 1846.

*Ordered*, That Messrs. Gray, Kimball and Willard, be a Committee to confer with such Committee as may be appointed on the part of the House of Representatives, on the subject matter of difference between the two branches, in relation to a proposition of the Senate to amend the engrossed resolves in relation to auditing accounts.

Sent down for concurrence.

CHAS. CALHOUN, *Clerk*.

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HOUSE OF REPRESENTATIVES, March 19, 1846.

Concurred: And Messrs. CHANDLER, of Boston ;  
BYINGTON, of Stockbridge, and  
SARGENT, of Cambridge, are appointed the conferees on the part of the House.

CHAS. W. STOREY, *Clerk*.

## **Commonwealth of Massachusetts.**

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SENATE, April 3d, 1846.

The Committee appointed on the part of the Senate, by a joint order passed on the 19th ult., to confer with such Committee as might be appointed on the part of the House of Representatives, on the subject matter of difference between the two branches, in relation to a proposition of the Senate to amend the engrossed resolve in relation to auditing accounts, have duly performed said duty, and ask leave to

### **R E P O R T :**

Under the peculiar circumstances in which the Senate has been placed, the conferees deem it their duty to submit a statement of the principal occurrences which have led to the disagreement between the two branches.

The Senate adopted, March 16th, an amendment to an engrossed resolve relating to the auditing of accounts, and transmitted this amendment, duly authenticated by the signature of its own clerk, to the House of Representatives, in the mode in which papers from the Senate are usually transmitted, without any open and public message. The proceedings of that body on the subject, will appear from the following extract from their journal, which was obtained by the President and communicated to the Senate on the 18th ult :—

“The resolves relating to auditing accounts, which passed the House on the tenth instant, came from the Senate with endorsements thereon, whereby it appeared that the Senate had reconsidered the vote by which the resolves passed in that branch, and had referred them to the Committee on Accounts, who

reported certain amendments thereto, and this report, having been accepted, was sent down for concurrence.

Mr. Speaker, after laying these facts before the House, stated that he considered the case an innovation upon established rules of proceeding, which, as he understood them, required amendments to engrossed resolves, by one branch, to be communicated to the other by a message; and that, in accordance with the opinion expressed by the House on the 23d of February, by their acceptance of the report on the subject of the alteration of the engrossed bill to establish the Adams and Bennington Rail-road Corporation, he should, unless otherwise instructed by the House, direct the resolves to be returned without action, to the Senate,—

And the resolves were accordingly so returned.”

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HOUSE OF REPRESENTATIVES, March 17, 1846.

I certify the foregoing to be a true copy of an entry in the Journal of the House of Representatives, of March 16, 1846.

CHAS. W. STOREY, *Clerk*.

The resolve and amendment were accordingly sent back to the Senate on the same day, by the hands of the Clerk of the House, who handed the papers to the Clerk of the Senate, with a verbal message, stating that he was directed by the House to return them to the Senate. After the reception of the papers, the Senate appointed a Committee of Conference, which was joined on the part of the House. Such the conferees deem the important facts in the case.

As it has pleased the House to manifest their dissatisfaction, by inserting on their journal a censure on the conduct of the Senate as unparliamentary, and by sending back the papers in a mode, which, however otherwise intended, certainly gave to the measure the aspect of a direct and unceremonious reproof, it is the duty of the Senate to inquire how far this dissatisfaction is merited.

It will be seen, on recurring to the foregoing extract from the journal of the House, that the Speaker stated “that he considered the case an innovation upon established rules of proceeding, which, as he understood them, required amendments to

#### 4 AMENDMENTS TO ENGROSSED RESOLVES. [Apr.

engrossed resolves by one branch, to be communicated to the other by message." In reply to this, the conferees have to state, that the Senate cannot be charged with having violated any one of the Joint Rules and Orders, and that they believe this position will not *now* be contested. There is no such rule relating to the subject. If any rule has been imagined so to relate, it is the 3d joint rule. On this point, the conferees cannot express their own opinion better than in the following extract from a letter from Judge L. S. Cushing, lately read publicly in the House. The meaning of "the third joint rule is simply that the clerks may authenticate all papers, except bills and resolves, when they pass, or pass to be enacted, which must then be signed by the presiding officers."

But it has been maintained that the Senate, in proposing an amendment to an engrossed bill without a special message, violated the general rules of parliamentary law, as confirmed by precedent in this Commonwealth. To this position, it may be replied, that even if it should be admitted that all the forms of the Parliament of Great Britain are binding here, no argument can well be drawn from those forms in the present case, for the practice of inserting amendments in engrossed bills does not exist in that country, and the same may be said of our own Congress. If it be said that the general practice of the British Parliament is to communicate between the two Houses by message, we answer that this argument would prove too much, and certainly does not warrant us in making any distinction between amendments to engrossed bills and other amendments. The more important question is, what are the precedents in our own legislative history. Those who maintain that the Senate violated parliamentary propriety by deviating from such precedents, are at least bound to show that they are uniform. How far this is the case, will appear from the following instances taken from the records of the Senate by the Clerk, at the request of the conferees. The conferees premise that every one will agree that if there is any rule of propriety requiring that a proposal to amend an engrossed bill should be made only by special message, the same rule requires that the reply should be made in like manner.

## EXTRACTS FROM THE JOURNALS OF THE SENATE.

*Monday, February 4, 1839.*

A message was received from the House by Mr. Cushing, their clerk, announcing that that branch has amended an engrossed bill, "further regulating the sale of wood in Marshpee," by inserting the words, *the refuse*, after the words "to sell," in the 3d line; and has ordered said bill to be reëngrossed, and requesting the concurrence of the Senate; and the questions being stated, said amendment and order were adopted in concurrence.

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*Tuesday, March 12, 1839.*

Mr. Goodrich, who was charged on Friday with a message to the Governor, to request that the resolves concerning the public lands of the United States, may be returned to the Senate, presented said resolves, and, on his motion, the vote by which they were passed was reconsidered; the third resolve was then amended by striking out the words, "and is now pending in the House of Representatives," and the resolves were ordered to be reëngrossed.

Sent down for concurrence.

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Came up concurred.

*Friday, March 15, 1839.*

Sundry amendments of the House in an engrossed bill concerning schools, and an order for its reëngrossment were adopted in concurrence.

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*Saturday, April 6, 1839.*

On motion of Mr. Walcott, the engrossed resolve concerning the Aroostook road was taken up, and amended by adding at the end the words, *to be paid out of the proceeds of the public lands*.

Sent down for concurrence.

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Came up concurred.

*Tuesday, March 10, 1840.*

On motion of Mr. Quincy, the engrossed resolve "concerning the pay of the members of the General Court" was taken up, amended by striking out the word "next," at the end of the resolve, and inserting the word *instant*, and passed in concurrence, as amended, with an order for its reëngrossment.

Sent down for concurrence.

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Came up concurred.

*Friday, January 24, 1845.*

On motion of Mr. Child, ordered, that a message be sent to the Governor, to request him to return to the Senate the bill to establish the Greenfield and Northampton Rail-road Corporation, if it has not become a law by his approval; and Mr. Child was charged with said message.



## 6 AMENDMENTS TO ENGROSSED RESOLVES. [Apr.

Subsequently, a message was received from the Governor, transmitting said bill; and, on motion of Mr. Child, the vote, whereby it passed to be enacted, was reconsidered, and it was then committed to the Committee on Railways and Canals; on the part of the Senate.

Subsequently, Mr. Child reported said bill with an amendment, which was adopted, and the clerk was charged with a message to the House, to ask its concurrence therein.

*Saturday, January 25, 1845.*—A message was received from the House by Mr. Storey, clerk thereof, announcing their concurrence in the amendment to the engrossed bill, to establish the Greenfield and Northampton Rail-road Corporation; and said bill again passed to be enacted and was sent to the Governor.

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*Friday, January 31, 1845.*

On motion of Mr. Lawrence, ordered, that a message be sent to the Governor, to request him to return to the Senate the bill to incorporate the Hampshire and Franklin Rail-road Corporation, if it has not become a law by his approval; and Mr. Lawrence was charged with said message.

Subsequently, said bill was brought in by the Secretary, and it was committed to the Committee on Railways and Canals, on the part of the Senate, the vote, by which it passed to be enacted, having been reconsidered.

Subsequently, Mr. Child reported said bill with an amendment, which was adopted; and the clerk was charged with a message to the House to ask its concurrence therein.

*Saturday, February 1, 1845.*—A message was received from the House by Mr. Storey, their clerk, announcing the concurrence of that branch in the amendment yesterday made by the Senate, in the engrossed bill to incorporate the Hampshire and Franklin Rail-road Company; and said bill, having again passed to be enacted, was sent to the Governor.

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*Wednesday, March 12, 1845.*

Mr. Sargent, of Cambridge, a member of the House of Representatives, came in with a message from that body, asking the concurrence of the Senate in an amendment, in an engrossed bill to establish the Winchendon Rail-road Corporation; and said bill was committed to the Committee on Engrossed Bills.

*Thursday, March 13, 1845.*—Mr. Choate, from the Committee on Engrossed Bills, reported that no action is necessary on the amendment of the House in the engrossed bill, which originated in the Senate, to establish the Winchendon Rail-road Corporation, as the amendment proposed is incorporated therein; and said bill passed to be enacted and was sent to the Governor.

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*Tuesday, March 25, 1845.*

On motion of Mr. Clifford, ordered, that a message be sent to the Governor, to request him to return the bill to establish the city of New Bedford, to the

Senate, if it has not become a law ; and Mr. Clifford was charged with said message.

Subsequently, said bill was returned, and the vote by which it passed to be enacted having been reconsidered, sundry amendments were adopted therein, and Mr. Clifford was charged with a message to request the concurrence of the House therein.

Subsequently,\* said amendments came up concurred, and the bill again passed to be enacted and was sent to the Governor.

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*Tuesday, March 25, 1845.*

Mr. Sargent, of Cambridge, a member of the House of Representatives, came in with a message from that branch, asking the concurrence of the Senate in an amendment, in an engrossed bill "relating to public schools;" and said amendment was adopted in concurrence, and the bill was returned to the House.

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*Tuesday, March 25, 1845.*

A message was received from the House by Mr. Codman, of Boston, a member thereof, asking the concurrence of the Senate in an amendment, in an engrossed bill "to incorporate the First Methodist Episcopal Church in Cambridgeport;" and said amendment was adopted in concurrence, and the bill was returned to the House.

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*Friday, February 13, 1846.*

On motion of Mr. Hopkinson, ordered, that a message be sent to the Governor, to request him to return to the Senate the bill to establish the Adams and Bennington Rail-road Corporation, if he has not given it his approval; and Mr. Hopkinson was charged with said message.

*Saturday, February 14, 1846.*—The Secretary came in with a message from the Governor, returning the engrossed bill to establish the Adams and Bennington Rail-road Corporation; and the vote by which said bill passed to be enacted having been reconsidered, it was amended in the 2d line of the 9th section, by inserting the word *before* after the word "corporation."

Sent down for concurrence.

*Monday, February 16, 1846.*—The engrossed bill to establish the Adams and Bennington Rail-road Corporation came back, and the House *nonconcur* in the amendment of the Senate therein; and, on motion of Mr. Hopkinson, said bill was laid on the table.

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\* In this case, the Journal of the House states that Mr. Chandler was charged with a message from the House in reply, and the conferees have accordingly reckoned it as one of the cases in which a reply was made by message.

## 8 AMENDMENTS TO ENGROSSED RESOLVES. [Apr.

*Tuesday, February 17, 1846.*—On motion of Mr. Hopkinson, the engrossed bill to establish the Adams and Bennington Rail-road Corporation was taken up, the amendment of the Senate therein was *receded* from, and the bill again passed to be enacted and was sent to the Governor.

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*Tuesday, February 24, 1846.*

Mr. Sargent, of Cambridge, a member of the House of Representatives, came in with a message from that body, asking the concurrence of the Senate in amendments, in an engrossed resolve "on the petition of William T. Eustis;" and said amendments were committed to the Committee on Probate and Chancery.

*Saturday, February 28, 1846.*—Mr. Gray, from the Committee on Probate and Chancery, reported, that the *first* amendment of the House, in the engrossed resolve on the petition of William T. Eustis, ought to be adopted in concurrence, and that the *second* amendment should be amended by striking out the words, "Suffolk Registry of Deeds," and inserting, *the Registry of Deeds for the County of Suffolk*; and said report was accepted, and the *second* amendment was amended accordingly.

Sent down for concurrence.

*Tuesday, March 3, 1846.*—A message was received from the House by Mr. Storey, their clerk, announcing that that branch *does not concur* in the amendment of the Senate to the amendment of the House, in the engrossed resolve on the petition of William T. Eustis; and, on motion of Mr. Gray, the Senate *receded* from said amendment, and the resolve was returned to the House of Representatives.

These are all the cases of amendments to engrossed bills and resolves, which are found in the journals of the Senate for nine years, from 1838 to 1846, inclusive—a space of time sufficient to settle the question of precedent. The result is as follows:—There are thirteen cases in all—in seven of them, the proposition to amend was communicated by message, and in the other six, in the ordinary way without a message. In four of the cases, the reply of the branch to which the proposition to amend was submitted, was made by message—in eight, in the ordinary way; and in one (that of the Winchendon Rail-road Corporation,) no reply was necessary, as the amendment proposed by the House was sent up actually inserted in the body of the bill.

In none of these cases does any dissatisfaction appear to have been signified in any way by either branch to the other,

nor, except in a single instance, to have been even manifested within either branch. In that instance, the case of the Adams and Bennington Rail-road, we know informally that some dissatisfaction was manifested by the House, but it was not communicated to the Senate through a Committee of conference, or in any other mode.

The conferees think it will be difficult to maintain, in contradiction to these instances, that our legislative practice on this point has been uniform, or that the Senate had good reason to expect that the course pursued by them, in this instance, would be formally censured elsewhere as unparliamentary. If, however, the case had been otherwise, if the Senate had pursued a course which would have justified the dissatisfaction of the House, as a clear violation of the rules and orders, the mode in which that dissatisfaction was expressed, was certainly one which the Senate had no right to anticipate. The papers were sent back to the Senate with a private verbal message to the Clerk, without any authenticated or even written document, and with no distinct intimation of the cause, or even the fact, of the dissatisfaction of the House. Waiving all questions of courtesy, where, doubtless, no violation of courtesy was intended, the conferees must respectfully protest against this measure as unparliamentary, on the following grounds, viz :—

1st. As entirely unprecedented.

2d. As contradictory to the parliamentary rule laid down by high English authorities, and sanctioned by Jefferson in the Manual. Nothing can well be more explicit to this point than the following extract from the 46th section of that work :—  
“ When the methods of Parliament are thought by the one House to have been departed from by the other, a conference is asked to come to a right understanding thereon. So when an unparliamentary message has been sent, instead of answering, it they ask a conference.”

3d. The conferees deem the course referred to objectionable, because irregular and unsafe. A verbal message sent through one clerk to another, to be by him stated to the body to which

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he belongs, is a mode of communication which, whatever else may be said of it, is certainly liable to mistakes and misapprehensions, and by no means characterized by the precision and regularity, which it has usually been deemed necessary to preserve, in all intercourse between branches of the same Legislature.

The conferees have felt compelled to make the foregoing remarks in justice to the Senate. In closing their statement of this controversy, they remark, that whatever may be thought by the public, it is to be regretted that any disagreement should have arisen between the two branches on a question of so little consequence, as in which of two modes, both entirely respectful, a document duly authenticated should be transmitted from one to the other.

It is manifestly desirable to prevent, as far as possible, all such occurrences in future, and with this view the conferees respectfully submit the following suggestions :—

It is not to be questioned that, in the absence of any express rule or uniform usage, documents may be transmitted from either branch of our Legislature to the other, in such mode as the branch transmitting the same may direct, provided the documents are duly authenticated, and the mode not in itself disrespectful. It cannot be supposed that any abuses could occur under the operation of this principle, and if it is not conformed to, honest differences of opinion may arise, as they have arisen, between the branch which transmits, and the branch which receives, on mere technical points; and thus controversies may spring up which there is no common arbiter to settle, in which neither party can compel the other to give way, and which can produce, to use the most moderate terms, no public benefit.

For similar reasons, the conferees would suggest the expediency of discontinuing the practice of messages between the two branches, except such as are in the nature of announcements, and propositions for conventions. The custom of communicating by message was once far more general than at present, and was copied from the English practice, but has

been greatly narrowed down in succeeding years. The ordinary mode of communicating by writings duly authenticated, is certainly more simple, direct, and unostentatious, and partakes more of the general character of the legislation of this Commonwealth, which is conducted with much less pomp and circumstance, though, it is apprehended, with no less real decorum, than that of older countries.

These suggestions could be carried into full effect only by the action of both branches, and are made as subjects of consideration. The next suggestion relates to the special rule of the Senate, which forbids amendments to engrossed bills and resolves. This rule ought, in the judgment of the conferees, to be rigidly adhered to, and should be departed from only on weighty and extraordinary occasions. The practice of adopting such amendments has greatly increased within a very recent period. Of thirteen cases which have occurred within a period of nine years, it appears that no less than eight have taken place during the last and the present sessions. The conferees cannot but consider the practice an irregular and injurious one, rendering it difficult to know when a question is finally settled, or how suddenly it may be revived, and strongly tending to encourage careless legislation. The conferees think, for the same reasons, it might be expedient to go further, and to provide, on the part of both branches, that bills and resolves should be put on their final passage after being read the last time, in the manner described in the 4th proposition made to the conferees of the House, as hereinafter stated, but they do not deem it necessary to dwell on this point as such a change seems impracticable at this time.

The conferees held a full and free communication with the conferees on the part of the House, at a conference on the evening of March 28. After some conversation on the course hitherto taken by the two branches, your conferees made the following propositions as means of obviating or adjusting difficulties for the future:—

1st. To recommend, on each side, the adoption as an express joint order, of the parliamentary rule already quoted from the

## 12 AMENDMENTS TO ENGROSSED RESOLVES. [Apr.

46th Section of the Manual, providing that when either House, in the judgment of the other, has departed from parliamentary methods, the party complaining shall ask a conference.

This was rejected by the conferees on the part of the House. The conferees certainly regret this rejection, but it may be deemed of less consequence, as the rule in the Manual is unquestionable, and the effect of adopting it, as an express joint order, would be merely to make it better known.

2d. The conferees further proposed the adoption of the 4th joint rule of Congress, with an amendment,—if thus adopted, the rule would provide that Messages might be sent by such persons, and on such occasions, as a sense of propriety in each House might dictate.

This was, in like manner, rejected by the conferees of the House

3d. The conferees proposed that it should be recommended to each branch to adhere rigidly to its own rule prohibiting amendments to engrossed bills. And

4th. The conferees further proposed that each branch should so alter its rules, that bills and resolves after their last reading, should pass finally, and that the presiding officers should sign the same, without any further vote, after proper examinations by the Committees on Engrossed Bills.

Both these propositions were rejected by the conferees of the House. The reasons which led the conferees to make these propositions, will sufficiently appear from the former part of this report. They have forborne to make any statement of the arguments of the conferees of the House, from a wish to avoid all mistakes, the conference having been carried on entirely by conversation.

The conferees on the part of the House made the following proposition, viz: that a joint rule be adopted expressly requiring that, in future, all amendments to engrossed bills should be proposed by message and replies be returned in like manner. This proposal the conferees were compelled to reject on principles laid down above, if for no other reason.

The conferees further urged on the conferees on the part of

the House, the taking of the Resolve and Amendments, and laying them before that branch, in compliance with the provisions of the 46th Section of the Manual, which states, "that in all cases of conference asked after a vote of disagreement, &c., the conferees of the House asking it are to leave the papers with the conferees of the other." A different view of the case was taken by the conferees of the House, and they declined receiving the papers.

The resolve and amendments are now *de facto* in the custody of the Senate, and the question is, what order, if any, shall be taken thereon. Ought the Senate to decline all further action, and thus suffer the resolve as well as amendments to be lost? This course the conferees cannot recommend. The resolve in its present shape has once passed both branches, and seems to be an important and useful one. It is, as before observed, in the hands of the Senate, and the mode in which it came there is not one for which the Senate is answerable, and it does not seem desirable that a measure of value to the public, should be given up, out of regard to a state of circumstances of a novel character, which we ought not to anticipate will occur again.

The only question remaining is on the proposed amendments. The conferees have already recommended in strong terms, an adherence to the rule forbidding the amending of engrossed bills and resolves, and, after a careful review of these amendments, they can find nothing in either of them which should warrant a deviation from that rule. They are both, in a great degree, matters of phraseology, and of no moment in a legal point of view. The conferees, therefore, recommend that the Senate reconsider the votes by which these amendments were adopted, and pass the resolve as originally engrossed.

Respectfully submitted.

JOHN C. GRAY,  
EDM. KIMBALL, JR.  
CALVIN WILLARD,

*Conferees on the part of the Senate.*









## SENATE....No. 93.

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### Commonwealth of Massachusetts.

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IN SENATE, April 1, 1846.

The Joint Committee on Railways and Canals, to which was committed the Petition of the Western Rail-road Corporation, praying for authority to construct a Branch Rail-road from West Brookfield to Barre, report the accompanying Bill.

THOS. HOPKINSON, *Chairman.*

**Commonwealth of Massachusetts.**

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In the Year One Thousand Eight Hundred and Forty-Six.

---

**AN ACT**

To authorize the Western Rail-road Corporation to extend a Branch from West Brookfield to Barre.

**BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1    **SECT. 1.** When the Western Rail-road Corpora-  
2    tion shall construct a Branch Rail-road, leading from  
3    their main road, at or near the village of West Brook-  
4    field, to any part of the town of New Braintree, as  
5    authorized by the sixth section of their act of incorpo-  
6    ration, they are hereby empowered to extend and to  
7    construct and maintain the same in and across the val-  
8    ley of Ware River, either through the easterly part of  
9    the town of Hardwick, and a part of the town of Bar-  
10   re, or from said New Braintree through a part of said

11 Barre, to a point at or near the village in the centre  
12 of said Barre. And for the purpose of constructing  
13 said Branch Rail-road, the said corporation shall have all  
14 the powers and privileges, and be subject to all the  
15 duties, liabilities and restrictions, contained in their act  
16 of incorporation, and in the several acts in addition  
17 thereto, and such as are set forth in the forty-fourth  
18 chapter of the Revised Statutes, and in that part of  
19 the thirty-ninth chapter of said statutes relating to  
20 Rail-road corporations, and the public statutes which  
21 have been or may be subsequently passed relating to  
22 such corporations.

1     SECT. 2. Said corporation may take, purchase and  
2 hold such real estate on the line of said Branch Rail-  
3 road as may be necessary and convenient therefor, and  
4 for depots for the use of said Branch road.

1     SECT. 3. If the location of said Branch road shall  
2 not be filed in the manner required by law within one  
3 year, or if the said Branch shall not be completed  
4 within two years from the passage of this act, then  
5 this act shall be void.



# SENATE.....No. 94.

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## Commonwealth of Massachusetts.

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IN SENATE, April 3, 1846.

The Second Special Committee on Railways and Canals, to whom was referred the Petition of James Eaton and another, for leave to construct a Canal in Malden, have considered the same, and report the accompanying Bill.

By order of the Committee,

THOMAS P. BEAL, *Chairman.*



**Commonwealth of Massachusetts.**

---

**In the Year One Thousand Eight Hundred and Forty-Six.**

---

**AN ACT**

**To establish the Malden Canal Company.**

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1    **SECT. 1.** James Eaton, John Harnden, and Daniel  
2 P. Wise, their associates, successors and assigns, are  
3 hereby made a corporation, by the name of the Mal-  
4 den Canal Company, with all the powers and privi-  
5 leges, and subject to all the duties, restrictions and  
6 liabilities, set forth in the thirty-ninth and forty-fourth  
7 chapters of the Revised Statutes.

1    **SECT. 2.** The said corporation is hereby authorized  
2 to locate and construct a canal in Malden, from a  
3 point in Mystic River, at or near the mouth of Malden  
4 Creek, to the central village of Malden, at some con-  
5 venient point near Lewis's Bridge or Barrett's Red

6 Mills, and for this purpose may take land, not exceed-  
7 ing five rods wide, along the route of said canal, pay-  
8 ing therefor damages, to be estimated in the same  
9 manner as is now provided by law in the case of rail-  
10 roads. The said corporation may construct such locks  
11 and dams as may be necessary; and may levy and  
12 collect such tolls, for the passage of vessels and boats,  
13 and the transportation of freight, as may be equitable :  
14 *provided*, that the rate of toll shall not be higher than  
15 will yield a fair net income of ten per cent. per  
16 annum : *provided*, the free passage of the creek, by  
17 boats and vessels, below the burial-ground, be not ob-  
18 structed by the erection of any lock or dam.

1 SECT. 3. The capital stock of said corporation  
2 shall not exceed fifty thousand dollars, and may be  
3 divided into as many shares, of fifty dollars each, as  
4 the directors may, from time to time, determine; and  
5 said corporation may purchase and hold such real  
6 estate, in Malden, as may be necessary or convenient  
7 for its purposes.

1 SECT. 4. This act shall take effect from and after  
2 its passage.



## **SENATE.....No. 95.**

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### **Commonwealth of Massachusetts.**

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**SENATE, April 3, 1846.**

**The Committee on the Judiciary, to whom was referred the Bill from the House of Representatives, entitled "An Act for the payment of the Wages and Deposites of Married Women," have considered the same, and**

### **R E P O R T :**

**That the same should pass with this amendment, viz: After the word "payment," being the last word in the second section, add the words following: "provided that nothing in this act contained, shall affect the right of the husband to demand and receive said wages or money before payment thereof to the married woman, as aforesaid, or the right of any creditor of the husband of such married woman to attach the same."**

**By order of the Committee.**

**T. D. ELLIOT.**

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[Reported by the Committee on the Judiciary.]

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## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Six.

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## AN ACT

For the payment of the Wages and Deposites of Married Women.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1   SECT. 1. In all cases where married women shall  
2 hereafter, by their own labor, earn wages, payment  
3 may be made to them for the same.

1   SECT. 2. The receipt of any married woman for  
2 the payment of money deposited by her, before or  
3 after marriage, shall be a valid discharge to any Sav-

4 ings Bank or Institution for Savings making such  
5 payment.

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HOUSE OF REPRESENTATIVES, March 3, 1846.

Ordered to be engrossed.

Sent up for concurrence.

C. W. STOREY, *Clerk.*



## SENATE.....No. 96.

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### **Commonwealth of Massachusetts.**

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IN SENATE, April 4, 1846.

The Special Joint Committee on Railways and Canals, to which was committed the Petition of Solomon Strong and others, praying that they may be authorized to construct a Railroad from Fitchburg to the Nashua Rail-road in Sterling, or to Worcester, have considered the same, and report the accompanying Bill.

GEO. WHEATLAND, *Chairman.*



**Commonwealth of Massachusetts.**

---

In the year One Thousand Eight Hundred and Forty-Six.

---

**AN ACT**

To incorporate the Fitchburg and Worcester Rail-road Company.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1      SECT. 1. Solomon Strong, Francis Perkins, Joel  
2 Pratt, James H. Carter and Caleb C. Field, their as-  
3 sociates and successors, are hereby made a corpora-  
4 tion, by the name of the Fitchburg and Worcester  
5 Rail-road Company, with all the powers and privil-  
6 eges, and subject to all the duties, liabilities and re-  
7 strictions, set forth in the forty-fourth chapter of the  
8 Revised Statutes, and in that part of the thirty-ninth  
9 chapter of said Statutes, relating to rail-road corpo-  
10 rations, and in all other general laws which have

11 been, or shall be passed, relative to rail-road corpo-  
12 rations.

1   SECT. 2. Said company may locate, construct and  
2 maintain a rail-road, with one or more tracks, from  
3 some convenient point in the town of Fitchburg or  
4 Leominster, through the centre village in said Le-  
5 ominster, to the centre village in the town of Ster-  
6 ling, and thence to the most convenient point, to  
7 intersect or connect their rail-road with the Worces-  
8 ter and Nashua Rail-road, in said Sterling, or the  
9 town of West Boylston—and may, at said point of  
10 intersection, connect the rail-road hereby establish-  
11 ed, with said Worcester and Nashua Rail-road, by  
12 proper turnouts and switches, and may enter upon  
13 and use the same; and, if the charter of the Wor-  
14 cester and Nashua Rail-road Company shall become  
15 void in consequence of any omission to locate or con-  
16 struct said rail-road, within the time prescribed  
17 therefor, the corporation hereby established, may, at  
18 any time within six months after said charter shall  
19 become void, locate their rail-road through West  
20 Boylston, Holden and Worcester, to one of the de-  
21 pots in said Worcester, and shall construct the same  
22 within two years from the date of said location, to  
23 its southerly terminus in said Worcester.

1   SECT. 3. The capital stock of said company shall  
2 consist of not more than *five thousand shares*, the num-  
3 ber of which shall, from time to time, be determined  
4 by the directors of said company, and no assessment  
5 shall be laid thereon of a greater amount in the  
6 whole, than one hundred dollars on each share; and

**4     FITCHBURG AND WORCESTER R. R. CO. [April,**

**7 said company may invest and hold such part thereof  
8 in real and personal estate, as may be necessary and  
9 convenient for the purposes of their incorporation.**

**1     SECT. 4. Said company may also enter upon and  
2 unite their rail-road, by proper turnouts and switch-  
3 es, with the Fitchburg Rail-road, in Fitchburg, or  
4 Leominster, or the Vermont and Massachusetts Rail-  
5 road, in some convenient place in the centre village  
6 in Fitchburg, and use the same.**

**1     SECT. 5. Said company may also enter with their  
2 rail-road, by proper turnouts and switches, upon the  
3 Worcester Branch rail-road in Worcester, at the  
4 most convenient place, and use the same under the  
5 provisions and the restrictions of the laws relating to  
6 rail-roads.**

**1     SECT. 6. Said company may purchase or hire the  
2 Worcester Branch Rail-road, and may receive a con-  
3 veyance thereof, and of its franchise, rights, powers  
4 and privileges, subject to the restrictions of its char-  
5 ter, or may unite with the Worcester Branch Rail-  
6 road Corporation, upon such terms as may be mutu-  
7 ally agreed upon by the directors of the two corpo-  
8 rations ; and, in case of such purchase and conveyance  
9 of the Worcester Branch Rail-road, or union of said  
10 corporations, the Worcester Branch Rail-road Cor-  
11 poration shall cease, and be merged in the corpora-  
12 tion created by this act.**

**1     SECT. 7. Said company are hereby authorized to  
2 unite with the Worcester and Nashua Rail-road Cor-**

3 poration, upon such terms as may be mutually agreed  
4 upon by the directors of the two corporations, and, in  
5 case of such union, the Worcester and Nashua Rail-  
6 road Corporation shall cease, and be merged in the  
7 corporation hereby established ; or, if this corpora-  
8 tion shall agree with the Worcester and Nashua  
9 Rail-road Corporation to surrender and give up their  
10 charter, then this corporation may, when such agree-  
11 ment shall have been duly executed, proceed forth-  
12 with to locate and construct their rail-road to its  
13 southerly terminus in Worcester.

1     SECT. 8. The Legislature may authorize any com-  
2 pany to enter with another rail-road upon, and use  
3 the rail-road hereby established, or any part thereof,  
4 by complying with such reasonable rules and regu-  
5 lations as the company hereby incorporated may pre-  
6 scribe, or as may be determined according to the  
7 provisions of law.

1     SECT. 9. The Legislature may, after four years  
2 from the time when said rail-road shall be opened  
3 for use, from time to time, alter or reduce the rate  
4 of tolls or profits upon said rail-road ; but the tolls  
5 or profits shall not, without the consent of said com-  
6 pany, be so reduced as to produce less than ten per  
7 cent. per annum upon the investment of said com-  
8 pany.

1     SECT. 10. If the location of said rail-road from  
2 Fitchburg or Leominster to Sterling, be not filed  
3 within one year, or, if the said company shall not

**6 FITCHBURG AND WORCESTER R. R. CO. [Apr. '46.]**

**4 complete the portion of said rail-road between Fitch-  
5 burg or Leominster and Sterling, with at least one  
6 track in three years from the passage of this act,  
7 then the same shall be null and void.**





# SENATE.....No. 97.

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## Commonwealth of Massachusetts.

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IN SENATE, April 4, 1846.

The Special Joint Committee on Railways and Canals, to which was committed the Petition of Charles Bemis and others, praying for authority to construct a railway from Watertown to the Fresh Pond Branch of the Charlestown Branch Railroad, in Cambridge, have considered the same, and report the accompanying Bill.

GEO. WHEATLAND, *Chairman.*



**Commonwealth of Massachusetts.**

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In the Year One Thousand Eight Hundred and Forty-Six.

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**AN ACT**

To establish the Watertown Branch Rail-road.

**BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1   SECT. 1. Charles Bemis, Benjamin Dana, Josiah  
2   Stickney, and their associates and successors, are  
3   hereby made a corporation, by the name of the Wa-  
4   tertown Branch Rail-road Company, with all the  
5   powers and privileges, and subject to all the duties,  
6   liabilities, and restrictions, set forth in the forty-  
7   fourth chapter of the Revised Statutes, and in that  
8   part of the thirty-ninth chapter of said statutes re-  
9   lating to rail-road corporations, and in all other gen-  
10   eral laws which have been, or shall be, subsequently  
11   passed, relative to rail-road corporations.

1   SECT. 2. The said company are hereby empow-  
2   ered to locate, construct, and maintain, with one or  
3   more tracks, a branch rail-road commencing in Wa-  
4   tertown, at a point near the Bemis factory and not  
5   west thereof, and thence running on the northerly  
6   side of Charles River, through or near the village of  
7   Watertown, to some convenient point of junction  
8   with the Fresh Pond Branch of the Charlestown  
9   Branch Rail-road, on the easterly side of Fresh  
10  Pond, in Cambridge.

1   SECT. 3. The capital stock of said corporation  
2   shall consist of not more than twelve hundred shares,  
3   the number of which shall, from time to time, be  
4   determined by the directors of said company. And  
5   no assessment shall be laid thereon of a greater  
6   amount, in the whole, than one hundred dollars on  
7   each share ; and said company may invest and hold  
8   such part thereof in real and personal estate, as may  
9   be necessary and convenient for the purposes of  
10  their incorporation.

1   SECT. 4. If the location of said rail-road shall  
2   not be filed within one year, and said rail-road be  
3   not constructed within three years from the passage  
4   of this act, then the same shall be void.

1   SECT. 5. Said company is hereby authorized to  
2   enter upon, and unite their rail-road, by proper  
3   turnouts and switches, with the said Fresh Pond  
4   Branch Rail-road, and use the same or any part  
5   thereof.

4      WATERTOWN BRANCH RAIL-ROAD. [April, '46.

1    SECT. 6. The Legislature may authorize any  
2 company to enter with another rail-road upon, and  
3 use the said Watertown Branch Rail-road, or any  
4 part thereof, by complying with such reasonable  
5 rules and regulations as the said Watertown Branch  
6 Rail-road Company may prescribe, or as may be de-  
7 termined according to the provisions of law.

1    SECT. 7. The Legislature may, after the expira-  
2 tion of five years, from the time when the said Wa-  
3 tertown Branch Rail-road shall be opened for use,  
4 from time to time, alter and reduce the rate of toll,  
5 or profits upon said road ; but said toll shall not be  
6 so reduced, without the consent of said company, as  
7 to produce, with said profits, less than ten per cent.  
8 per annum, upon the investment of said company.

1    SECT. 8. The Fitchburg Rail-road Company may,  
2 by a vote of the stockholders specially convened for  
3 that purpose, within the current year, elect to ac-  
4 cept the charter hereby granted, and, in that case,  
5 may locate, construct, and maintain said branch rail-  
6 road, and succeed to hold and enjoy all the fran-  
7 chise, rights, and privileges hereby conferred, and  
8 be subject to all the duties, restrictions, and liabili-  
9 ties hereby imposed, and may increase their capital  
10 to the extent hereby authorized ; and, upon such  
11 election, the rights of the grantees first named shall  
12 cease and determine.

## SENATE....No. 98.

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### Commonwealth of Massachusetts.

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IN SENATE, April 4, 1846.

The Special Joint Committee on Railways and Canals, to which was committed the Petition of John A. Gould and others, praying for authority to construct a Rail-road from Walpole to Dedham, have considered the same, and report the accompanying Bill.

GEO. WHEATLAND, *Chairman.*

## Commonwealth of Massachusetts.

---

In the Year One Thousand Eight Hundred and Forty-Six.

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## AN ACT

To incorporate the Walpole Rail-road Company.

**BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

1    SECT. 1. John A. Gould, Edmund W. Clap, Jo-  
2    seph Howes, John Morse, and their associates, and  
3    successors, are hereby made a corporation, by the  
4    name of the Walpole Rail-road Company, with all  
5    the powers and privileges, and subject to all the  
6    duties, liabilities and restrictions, set forth in the  
7    forty-fourth chapter of the Revised Statutes, and in  
8    that part of the thirty-ninth chapter of said statutes  
9    relating to rail-road corporations, and in all other  
10   general laws, which have been or shall be subse-  
11   quently passed, relative to rail-road corporations.

1   SECT. 2. Said company may locate, construct,  
2 and maintain a rail-road with one or more tracks,  
3 from some convenient point at or near the western  
4 termination of the Dedham Branch Rail-road in the  
5 town of Dedham and County of Norfolk, and passing  
6 through the southerly part of said Dedham to some  
7 convenient point near the centre of Walpole in said  
8 county.

1   SECT. 3. The capital stock of said corporation  
2 shall consist of not more than two thousand shares,  
3 the number of which shall, from time to time, be  
4 determined by the directors of said corporation ; and  
5 no assessment shall be laid thereon of a greater  
6 amount in the whole, than one hundred dollars on  
7 each share, and said corporation may invest and hold  
8 such part thereof in real and personal estate as may  
9 be necessary and convenient for the purposes of their  
10 incorporation.

1   SECT. 4. If the location of said road be not filed  
2 according to law within one year, and the said rail-  
3 road be not completed within three years from the  
4 passage of this act, then the same shall be void.

1   SECT. 5. Said company is hereby authorized to  
2 enter upon, and unite their rail-road by proper turn-  
3 outs and switches with the said Dedham Branch Rail-  
4 road, at or near the termination thereof at Dedham,  
5 and also to use said Dedham Branch Rail-road and  
6 the Boston and Providence Rail-road, paying there-  
7 for such a rate of toll as may be mutually agreed  
8 upon by the parties, or as the Legislature may from  
9 time to time prescribe.

1    SECT. 6. The Legislature may authorize any com-  
2 pany to enter with another rail-road upon, and use  
3 said Walpole Rail-road or any part thereof, by com-  
4 plying with such reasonable rules and regulations as  
5 the said Walpole Rail-road Company may prescribe,  
6 or as may be determined according to the provisions  
7 of law.

1    SECT. 7. The Legislature may, after the expira-  
2 tion of four years from the time when said rail-road  
3 shall be opened for use, from time to time, alter and  
4 reduce the rate of tolls or profits upon said road ;  
5 but said tolls or profits shall not be so reduced, with-  
6 out the consent of said corporation, as to produce,  
7 less than ten per cent. per annum, upon the invest-  
8 ment of said company.

## SENATE....No. 99.

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### Commonwealth of Massachusetts.

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IN SENATE, Jan. 20, 1846.

*Ordered*, That the Committee on Public Charitable Institutions be instructed to visit, during the present session of the General Court, the State Lunatic Hospital, and such other charitable institutions as are patronized by this Commonwealth, and that their accounts therefor be audited and allowed by the Committee on Accounts.

Sent down for concurrence.

CHAS. CALHOUN, *Clerk*.

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HOUSE OF REPRESENTATIVES, Jan. 21, 1846.

Concurred.

C. W. STOREY, *Clerk*.



**Commonwealth of Massachusetts.**

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IN SENATE, April 4, 1846.

The Joint Standing Committee on Public Charitable Institutions have attended to the duty assigned them by the foregoing order, and respectfully offer the following

**R E P O R T :**

In the Institution for Lunatics, at South Boston, a large number of the insane and the demented are placed in a situation, in most respects, as eligible as their physical misfortunes can well admit. Under the kind, judicious and skilful management of Doct. Stedman, nothing is left undone which benevolence could prompt, or the lights of science could supply. In the treatment of recent cases, his success is highly creditable to himself and to the institution. But few such cases, however, are admitted here. Almost all the patients have been so long bereft of reason, that no rational hope of their recovery remains; and their excellent superintendent has before and around him the disheartening spectacle which must ever be presented by a hospital of incurables.

In this establishment, additional room is greatly needed. The number of patients is much greater than the present apartments can accommodate. While the patients amount in number to 126, the separate apartments, designed expressly for their use, are only 74, and this latter number includes the 8 apartments for the furiously insane, in the building called the cottage, located a short distance from the main building. These apartments combine the advantages of warmth, light, ventilation, convenience and safety, in a manner much superior to any thing

we have elsewhere witnessed. The Committee would rejoice if an adequate number of as suitable apartments, for this class of patients, could be provided at the hospital in Worcester.

The whole number of patients in this institution is 126, and of this number 88 are State paupers.

The hospital at Worcester was visited February 17th. The reputation of this splendid institution, and its excellent Superintendent, are so well established as to render almost needless any expression of the approbation of this Committee.

Throughout the whole establishment, and especially in the Johonnot wings, we had abundant cause to observe the neatness every where prevailing, the excellent arrangements for diffusing warmth and promoting free ventilation, the facilities for giving the patients air and exercise, and the various and multiplied means employed to attract and occupy the distempered minds of the inmates, and lead them back to reason. To these means have recently been added a school, where males in the forenoon, and females in the afternoon, are instructed in those branches, including music, usually taught in our common schools. The interesting and affecting manner in which the female portion of this school, assisted by the Superintendent and his daughter, sung the well known stanzas by Watts, commencing with

“ There is a land of pure delight,”

will long be remembered by the Committee. The influence of these schools, as a remedial agent, calculated to excite the attention, and draw out mental efforts from minds disposed to imbecility or idiocy, promises to prove exceedingly valuable.

When the Johonnot wings, erected during the past year, were completed, it was found necessary that the several halls should be supplied with attendants to each, in order that the patients might be properly classified and placed in the appropriate apartments, as soon as it could consistently be done after their arrival. A disproportion between the number of attendants and the number of patients was thus created, and it continued for some time. Those halls are now fully occupied, and

#### 4 PUBLIC CHARITABLE INSTITUTIONS. [April,

it is believed that the disproportion between the income of the hospital, from the support of patients, and the expenditure for assistants, will not again occur.

The trustees have recommended the erection of a building for the violent and dangerous insane, in connection with the present edifice. Such a building is much needed, and would cost from 12 to \$15,000. There is a surplus of the Johonnot fund of about \$4,000, which might be appropriated to this purpose. The places where such patients are now confined, though considered suitable at the time when they were erected, have proved so unfit as to call loudly for some better arrangement. And we are confident that this call of humanity will not long be disregarded in Massachusetts. If this unfortunate class of patients could be placed in apartments well constructed in relation to size, warmth, ventilation, cleanness and safety, this institution would be one of the most perfect in the world.

But if more buildings are not to be erected, it is suggested by the trustees and Dr. Woodward, that the above named balance be appropriated to pay for the land purchased by Mr. Salisbury for the use of the hospital. This land lies contiguous to the farm of the hospital; it contains 27 acres; it cost \$3000; was improved last year by the hospital; and has advanced in value since its purchase. The understanding now is, that the hospital pay the interest of the money paid by Mr. Salisbury, for the land and the taxes, till the purchase money is paid.

This balance of about \$4000, will not, if put at interest, be beneficial to the hospital. The income thus accruing, must be applied, in accordance with the will of the donor, to other purposes. The Committee would therefore recommend, that this balance, if it be not immediately applied to the erection of a new building, should be applied, or so much of it as is required, to the payment of the debt incurred for the above named lot of land.

In the discharge of the duty assigned them, the Committee visited the Asylum for the Blind; and in its Superintendent, in

his assistants, in the order, neatness, and convenience of the building, in the arrangements for industrial employment, and for promoting the happiness and usefulness of the inmates, we found almost nothing to be desired which did not exist already. If we except the need of a broader and smoother field for the out-door exercise and recreation of the sightless inmates, there will be left in this institution scarcely any room for improvement. The number of pupils at the time of our visit was ninety-three, and of this number thirty-nine belong to Massachusetts. It is a noble charity, honorable alike to the Commonwealth and to the Legislators.

On the 18th of February, the Committee visited the Asylum for the Deaf and Dumb in Hartford. We were hospitably met at the hotel by Mr. Weld, the principal, and by Mr. Turner, the steward, and were kindly accompanied on our visit by the former worthy principal, Rev. T. H. Gallaudet. We found here about 160 pupils, the whole number within the year being 162, a few of whom were absent. Of the whole number, 46 were beneficiaries of Massachusetts. These were separated from the rest and brought together, and a brief account of each was given to the Committee by the principal. They appeared capable of improvement, contented and happy. They differ in capacity as do children in our district schools, but all were advancing, and many of them rapidly. One child of 12 years of age *improves more slowly* than the others, but this child still *improves*, and is doing so much better here than it could do elsewhere, that the Committee were unanimous in the opinion that it had better remain.

With all the arrangements for their industrial pursuits, for their moral, their physical and intellectual improvement, and in relation to their board, their clothing, and the preservation, of their health, the Committee were highly satisfied. The arrangement for confining temporarily some who have proved obstinately vicious, we were satisfied was designed and used only under the guidance of judicious kindness and sound discretion. We regret that such a restraint is ever required, but when it is required, we are pleased to find that it exists and is

in readiness. It has been used but for a single pupil during the past year.

As the appearance and recitations of the several classes were particularly described by our predecessors, the committee of the last year, (Leg. Doc. 1845, Senate, No. 59,) and as these were essentially the same the present year, we do not judge it expedient to repeat the description. The subject of learning the mute to articulate has received much attention. The recent visit of Mr. Weld, the principal, to similar institutions in most of the different states of Europe, has enabled him to become possessed of all that is known on this subject. To a few of the pupils of this institution, such instruction can be profitably given; to many it cannot. But the Committee were pleased to learn that it was attempted with all, and these attempts were persevered in, whenever there was apparent any ground for hope that they would be at all successful.

But few persons, and only those who have witnessed something of the process, are aware of the exceeding difficulty of imparting knowledge to the blind and the deaf. Deprived of the use of those ideas which are imparted by sight or by sound, it is necessary that the senses they possess should be made to answer, in as great a degree as possible, the purposes designed to be answered by those senses of which they are deprived. We have witnessed with surprise and gratitude the wonderful success of the efforts made to accomplish such an object. But while we feel that the results are wonderful, we have, by our own observation, been made also to feel that this success is only obtained by judicious, repeated, and oft repeated effort on the part of the teachers. The kindness with which these efforts are made and persevered in, and the patient and affectionate manner in which misapprehensions of the pupils are corrected and removed, seem to prove that the teachers are actuated by a far higher and nobler motive, than a mere regard for their own pecuniary compensation. Nor can their long-continued efforts be too highly valued. Not only are these unfortunate members of the human family taught how they may obtain subsistence for themselves, and thus made to realize the feeling of self-respect which a consciousness of independence

inspires in the breast of every human being ; but their spiritual and immortal faculties are reached and developed, and they become capable of comprehending the grandeur of creation, of believing in their own immortality, of knowing that their Redeemer liveth, and of holding communion with their God.

At East Cambridge, under the immediate care of Mr. Nathaniel Watson, master of the House of Correction, in two separate buildings recently erected for the use of the insane, we found twenty-three lunatic State paupers. Several of these are idiotic or imbecile, and no one was called furiously insane. The buildings appeared suitable and appropriate. The apartments were neat, and the patients appeared to have been well cared for, and their needs properly supplied. The visiting physician, Dr. Hooper, seemed to have a correct knowledge of the situation of each of the several patients. But little hope exists of the recovery of more than one or two. Several are imbecile or inclined to idiocy, and most have been received from other institutions, where they were considered incurable.

The views of the Committee, in respect to the need of other and better buildings for the Eye and Ear Infirmary, and for the Lunatic Hospital, at Worcester, will be laid before the Legislature in separate reports.

Per order,

JOSEPH STONE, *Chairman.*



# SENATE.....No. 100.

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## Commonwealth of Massachusetts.

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IN SENATE, April 4, 1846.

The Special Joint Committee on Railways and Canals, to which was committed the Petitions of Amory Holman and Francis D. Brigham and others, praying for authority to construct a rail-road from Acton or Concord to Sterling, have considered the same, and report the accompanying Bill.

GEO. WHEATLAND, *Chairman.*



**Commonwealth of Massachusetts.**

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**In the Year One Thousand Eight Hundred and Forty-Six.**

---

**AN ACT**

**To incorporate the Lancaster and Sterling Branch Railroad Company.**

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1   SECT. 1. Amory Holman, Winthrop E. Faulkner,  
2 and William H. Wood, and their associates and suc-  
3 cessors, are hereby made a corporation, by the name  
4 of the Lancaster and Sterling Branch Rail-road Com-  
5 pany, with all the powers and privileges, and subject  
6 to all the duties, liabilities and restrictions, set forth in  
7 the forty-fourth chapter of the Revised Statutes, and  
8 in that part of the thirty-ninth chapter of said statutes  
9 relating to rail-road corporations, and in all other gen-  
10 eral laws which have been, or shall be subsequently  
11 passed, relative to rail-road corporations.

1     **SECT. 2.** Said company are empowered to locate,  
2 construct and maintain, with one or more tracks, a  
3 branch rail-road, commencing at some convenient point  
4 in the Fitchburg Rail-road, in the town of Acton ;  
5 thence running to the village of Stow ; thence through  
6 Bolton and Lancaster to a point in Sterling convenient  
7 to intersect the contemplated rail-road from Fitchburg  
8 towards Worcester ; or, at the option of said company,  
9 commencing at some convenient point in said Fitch-  
10 burg Rail-road, in the northerly part of the town of  
11 Concord ; thence running through Acton, Sudbury,  
12 Stow, Marlboro', Bolton, Berlin and Lancaster, to the  
13 terminus aforesaid, in said Sterling.

1     **SECT. 3.** The capital stock of said company  
2 shall consist of not more than six thousand shares,  
3 the number of which shall, from time to time, be de-  
4 termined by the directors of said company ; and no  
5 assessment shall be laid thereon of a greater amount,  
6 in the whole, than one hundred dollars on each share ;  
7 and said company may invest and hold such part  
8 thereof, in real and personal estate, as may be neces-  
9 sary and convenient for the purposes of their incorpo-  
10 ration.

1     **SECT. 4.** The company hereby established may  
2 also enter upon, and unite their rail-road, by proper  
3 turnouts and switches, with the said Fitchburg Rail-  
4 road, at some convenient place in said Acton or Con-  
5 cord, and use said Fitchburg Rail-road, or any part  
6 thereof.

1     **SECT. 5.** The Legislature may authorize any com-  
2 pany to enter with another rail-road upon, and use the  
3 said Lancaster and Sterling Branch Rail-road, or any

**4 LANCASTER & STERLING BR. R. R. CO. [April, '46.]**

**4 part thereof, by complying with such reasonable rules  
5 and regulations as the said Lancaster and Sterling  
6 Branch Rail-road Company may prescribe, or as may  
7 be determined according to the provisions of law.**

**1 SECT. 6. The Legislature may, after the expira-  
2 tion of four years from the time when said rail-  
3 road shall be opened for use, from time to time,  
4 alter or reduce the rate of tolls, or other profits upon  
5 said rail-road, but said tolls or profits shall not, with-  
6 out the consent of said company, be so reduced as  
7 to produce less than ten per cent. per annum upon the  
8 investment of said company.**

**1 SECT. 7. If the location of said rail-road be not  
2 filed within one year, or if the said company shall not  
3 complete their rail-road, as provided for in the second  
4 section of this act, with at least one track, within two  
5 years from the passage of this act, then the same shall  
6 be null and void.**

**1 SECT. 8. The company hereby established, by a  
2 vote of its stockholders, at a meeting called for that  
3 purpose, may unite with the Fitchburg Rail-road  
4 Company: *provided*, the stockholders of the said  
5 Fitchburg Rail-road Company shall, at a meeting  
6 called for that purpose, agree to the same. And when  
7 such union shall have been made, said corporations so  
8 united shall have, possess, and hold all the property,  
9 rights, privileges and franchises, and be subject to all  
10 the duties, restrictions and liabilities, which the corpo-  
11 rations so united had enjoyed, and been subject to,  
12 under their respective charters, and shall bear the  
13 name of the Fitchburg Rail-road Company.**

# SENATE....No. 101.

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## Commonwealth of Massachusetts.

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IN SENATE, April 4, 1846.

The Special Joint Committee on Railways and Canals, to which was committed the Petition of Otis Pettee and others, praying that they may be authorized to construct a Rail-road from Newton to the State line, near the town of Blackstone, have considered the same, and report the accompanying Bill.

GEO. WHEATLAND, *Chairman.*

## **Commonwealth of Massachusetts.**

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**In the Year One Thousand Eight Hundred and Forty-Six.**

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### **AN ACT**

**To incorporate the Boston and Woonsocket Rail-road Company.**

***BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :***

1    **SECT. 1.** Otis Pettee, Edgar K. Whitaker, Elijah  
2 Perry, Loring Wheeler, Joseph L. Richardson, Mar-  
3 shal S. Rice, their associates and successors, are  
4 hereby made a corporation, by the name of the Bos-  
5 ton and Woonsocket Rail-road Company, with all  
6 the powers and privileges, and subject to all the du-  
7 ties, restrictions and liabilities, contained in the  
8 forty-fourth chapter of the Revised Statutes, and in  
9 that part of the thirty-ninth chapter of said statutes,  
10 which relates to rail-road corporations, and in the

11 public statutes which have been or may be hereafter  
12 passed relating to such corporations.

1     SECT. 2. Said company may locate, construct and  
2 maintain a rail-road, with one or more tracks, from  
3 the line of the State of Rhode Island to Boston, com-  
4 mencing at a point in said line at or near to the vil-  
5 lage of Woonsocket, in Rhode Island, or in the  
6 southerly line of the towns of Blackstone or Belling-  
7 ham, or upon the line of the Providence and Wor-  
8 cester Rail-road, in the town of Blackstone, (most  
9 suitable for junction with any rail-road that may  
10 hereafter be constructed through the said State of  
11 Rhode Island and the State of Connecticut, towards  
12 New York ;) and thence through the towns of Black-  
13 stone, Bellingham, Franklin, Medway, Medfield,  
14 Dover, Needham and Newton, to some convenient  
15 point upon the Boston and Worcester Rail-road,  
16 with liberty to enter upon and use said road in the  
17 manner that is or may be prescribed by the laws of  
18 this Commonwealth, or to construct independent  
19 tracks along the road of the said Boston and Wor-  
20 cester Rail-road Corporation, to independent depots  
21 upon or near to the lands and depots of the said last-  
22 named corporation, if by votes of the stockholders  
23 of both the said corporations they shall, at any time  
24 hereafter, agree upon the terms and conditions of so  
25 using the road and lands of the said Boston and  
26 Worcester Rail-road Corporation.

1     SECT. 3. The capital stock of said corporation  
2 shall consist of not more than fifteen thousand shares,  
3 the number of which shall be determined, from time

4 to time, by the directors thereof, and no assessment  
5 shall be laid thereon of a greater amount in the whole  
6 than one hundred dollars on each share. And the  
7 said corporation may take, purchase and hold such  
8 real estate within this Commonwealth, and may pur-  
9 chase and hold such real and personal estate within  
10 or without this Commonwealth, as may be necessary  
11 or convenient for the purposes of their incorporation.

1 SECT. 4. If the location of said rail-road be not  
2 filed according to law within two years from the pas-  
3 sage of this act, or if the said rail-road shall not be  
4 completed with at least one track from said terminus  
5 in Blackstone or Bellingham to said Boston and Wor-  
6 cester Rail-road within five years from the passage  
7 of this act, the same shall be void.

1 SECT. 5. The Legislature may authorize any  
2 company to enter with another rail-road upon, and  
3 use the rail-road hereby established, or any part  
4 thereof, by complying with such reasonable rules and  
5 regulations as the said Boston and Woonsocket Rail-  
6 road Company may prescribe, or as may be deter-  
7 mined according to the provisions of law.

1 SECT. 6. The Legislature may, after the expira-  
2 tion of five years from the time when said rail-road  
3 shall be opened for use, from time to time, reduce  
4 the rates of toll or other profits upon said rail-road ;  
5 but the same shall not, without the consent of said  
6 corporation, be so reduced as to produce less than  
7 ten per cent. per annum upon the investment of said  
8 company.

1   SECT. 7. *Provided, nevertheless,* and this act is  
2 upon condition, that if, at any time within ten years  
3 from the day of the passage of this act, a rail-road  
4 or series of rail-roads, shall be chartered from the  
5 city of New York and through the State of Connec-  
6 ticut and the State of Rhode Island, terminating at  
7 or near to the terminus of the road hereby granted,  
8 on or near the line of the State of Rhode Island as  
9 aforesaid, so as to constitute, if completed and con-  
10 nected with the road hereby granted, a direct line of  
11 rail-road between the said city of New York and  
12 the city of Boston, and the charter or charters of  
13 such road or roads shall have been accepted, and  
14 the capital stock of such corporation or corporations  
15 shall have been subscribed for, and the locations  
16 thereof duly determined upon, and filed or recorded  
17 as may be required by such charters, and the stock-  
18 holders of such corporation or corporations, or any  
19 other persons, shall desire to have the road hereby  
20 granted connected with such road or roads, so as to  
21 make one direct and continuous rail-road from the  
22 city of New York to the city of Boston, and they  
23 shall be unable to agree with the corporation hereby  
24 created, upon the terms and conditions of so joining  
25 and connecting the road hereby granted with such  
26 other road or roads,—it shall be lawful for the Le-  
27 gislature, upon petition of such stockholders of such  
28 other corporation or corporations, or of any other  
29 persons interested or desirous to procure such junc-  
30 tion of the road hereby granted with such other  
31 roads, to grant to such petitioners and their asso-  
32 ciates the right to take the road hereby granted, and  
33 all the furniture and equipments thereof, and all the



34 depots, lands, and other property belonging to the  
35 corporation hereby created, upon paying to the same  
36 the original cost of the said road, equipments, lands,  
37 depots, and other property, and to appropriate the  
38 same for the purpose of completing such line of rail-  
39 road as is above mentioned ; and if the said parties  
40 shall not be able to agree upon what sum or sums  
41 ought to be paid for the road, equipments, lands,  
42 and other property so taken, according to the true  
43 intent and meaning of this act, the same shall be  
44 determined by three commissioners, to be appointed  
45 by the Governor and Council for that purpose, whose  
46 award, after due notice to the parties and hearing of  
47 the same, shall be binding and conclusive upon  
48 them.

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# SENATE.....No. 102.

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**Commonwealth of Massachusetts.**

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## MESSAGE.

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*To the House of Representatives :*

I transmit herewith to the honorable House, for the information and use of the Legislature, a Letter this day received from the Secretary of the War Department of the United States, in reply to my communication to the President, transmitting the Resolves of the present General Court, relating to Fort Kent, on Fish River, in the State of Maine.

GEO. N. BRIGGS.

COUNCIL CHAMBER, *April 4th*, 1846.

2 WAR DEPARTMENT OF THE U. STATES. [April,

WAR DEPARTMENT, }  
*Washington, April 2d, 1846.* }

*His Excellency, GEORGE N. BRIGGS,*  
*Governor of Massachusetts :*

Sir,—Your letter of the 17th ult., addressed to the President of the United States, accompanied by certain Resolves of the Legislature of Massachusetts, requesting that United States troops may be sent to garrison Fort Kent, in the State of Maine, was referred to this department for a report thereon. The Adjutant General's report on the subject has been laid before the President—and, by his direction, I transmit it to you, as his reply to your application.

I have the honor to be,

With great respect,

Your ob't servant,

W. L. MARCY,  
*Secretary of War.*

ADJUTANT GENERAL'S OFFICE, {  
Washington, March 25, 1846. }

HON. W. L. MARCY, *Secretary of War*,

Sir,—In compliance with your directions, I have the honor to submit the following report on the Letter of His Excellency Governor Briggs, of Massachusetts, of the 17th instant, to the President, enclosing a copy of the Resolutions of the State Legislature, asking that a "small body of troops may be again stationed at Fort Kent," Maine.

This subject has been repeatedly before the department, and I do not see how the facts of the case can be more clearly presented to you, than by transcribing in this place the report made to your predecessor, Mr. Secretary Wilkins, by the general-in-chief, on the former similar resolutions of the Massachusetts Legislature, and the letters of Governor Briggs to the President, dated February 17, 19, and 22, 1844, as follows:—

*"Respecting the Evacuation of Fort Kent."*

"On a letter addressed by the Hon. Edward Kent, dated September 20, 1843, to the Secretary of War, I endorsed five days later, as follows:—

"I have read the within papers with the attention due to the high respectability of the meeting at Bangor, and have the honor to report:—

"The posts of Forts Fairfield and Kent were garrisoned by the United States' troops, during the excitement about the disputed territory, on my recommendation, in order to vindicate the claim to jurisdiction on the part of the United States, and to save expense to the State of Maine.

"The boundary question having been definitively settled by the treaty of Washington, and a year allowed for the restoration

#### 4 WAR DEPARTMENT OF THE U. STATES. [April,

of tranquillity along that border, the garrisons were withdrawn on my suggestion, for the following *military* reasons:—1. The troops were wanted on the seaboard to preserve important fortifications. 2. There was nothing of that nature, either on the Aroostook or on Fish River, worth a garrison. 3. We had not troops enough, both for important public works and those of no military value; and 4. Forts Fairfield and Kent were distant and difficult to supply, except at great expense, and the latter post could not be maintained except at the cost of a road and bridges, which Captain Webster (the commander) had called for as indispensable.

“For these reasons, I asked for, and obtained, permission to withdraw the troops in question, leaving 4 companies at Hancock Barracks, (Houlton,) to meet any border exigency that might occur higher up the frontier. From Houlton, (Hancock Barracks,) it would be easier and less expensive, on the snow, or in summer, to make detachments on the suggestion of the authorities of Maine, to support her laws and police regulations.

Respectfully submitted to the Secretary of War,

WINFIELD SCOTT.

Sept. 25, 1843.”

“I am still of opinion that there is no reason whatever—I mean strictly *military reason*—for garrisoning either of those posts. There may, however, be other considerations of a national character, not within my limited scope, in favor of the measure, and one of my objections above (the 4th) may be considered as removed (or as about to be removed) by the liberal appropriations made on the part of Massachusetts and Maine for constructing a road from the lower settlements in the *direction* of the upper Fort, Kent. The cost of such road, with bridges, had been estimated by some of our officers, at \$70,000.

“Since my report of September 25, 1843, above, Major Whiting, under instructions of October 26, 1843, after visiting the country, says, if troops be necessary now (and he quotes

Captain Webster,) they will be necessary—in connection with the preservation of timber—25 years hence. See his report through Col. Crane, dated November 14, 1843. The latter is also, on military reasons, opposed to the reestablishment of Fort Kent.

Respectfully submitted to the Secretary of War.

WINFIELD SCOTT.

March 4, 1844."

On a consideration of all the circumstances, the President decided that Fort Kent should be re-occupied by one company, and orders to that effect were given March 20, 1844. This company continued at the post till the past summer, when the large concentration of troops in Texas having stripped all the eastern and gulf posts of their garrisons, it was (August 25,) ordered to Fort Brooke, Florida, which post it was deemed important to maintain on account of our Indian relations, the transfer of the 8th infantry to Texas not having left a single company in Florida.

When the garrison was withdrawn from Fort Kent, it was decided that it should be *abandoned*, and all the public property of every description was removed or sold, except the buildings which still belong to the United States. The reasons adduced by the General-in-Chief against re-occupying Fort Kent, in his report of March, 1844, have acquired additional strength since; and if the measure were even desirable on military considerations, as it is not, it would not be possible in the present state of the service to carry it out—there being not a single company available for the purpose. There are but two companies in all New England, viz. at Fort Adams, Rhode Island, and Fort Trumbull, Connecticut, two very important fortifications; several of the southern forts are without garrisons, and all the seaboard garrisons have been weakened to their utmost limit.

It may be proper to add, that there are several stations from which the regiments were withdrawn last summer, of infinitely



**6 WAR DEPARTMENT OF THE U. STATES, [Apr.'46.**

**more importance than Fort Kent, and which must be garrisoned as soon as the service in other quarters may justify the transfer of the troops, from where they are now serving.**

**Respectfully submitted,**

**R. JONES, *Adjutant General***





## SENATE.....No. 103.

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### Commonwealth of Massachusetts.

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IN SENATE, April 6, 1846.

The Special Joint Committee on Railways and Canals, to which was committed the petition of Thomas Stiles and others, praying for authority to construct a rail-road from Bedford to Lexington, have considered the same, and report the accompanying Bill.

GEO. WHEATLAND, *Chairman.*

**Commonwealth of Massachusetts.**

In the Year One Thousand Eight Hundred and Forty-Six.

**AN ACT**

To incorporate the Bedford Rail-road Company.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1    **SECT. 1.** Thomas Stiles, Phinehas W. Chamber-  
2    lin, John Merriam, Jonas Munroe, Nathaniel C. Cut-  
3    ler and William Clarke, their associates and succes-  
4    sors, are hereby made a corporation, by the name of  
5    the Bedford Rail-road Company, with all the powers  
6    and privileges, and subject to all the duties, liabili-  
7    ties and restrictions, contained in the forty-fourth  
8    chapter of the Revised Statutes, and in that part of  
9    the thirty-ninth chapter of said Statutes, which re-  
10   lates to rail-road corporations, and in all general  
11   laws which are now, or may be hereafter, in force,

12 relating to rail-road corporations in this Common-  
13 wealth.

1   SECT. 2. The capital stock of said corporation  
2 shall not exceed one thousand shares, the number of  
3 which shall be determined, from time to time, by the  
4 directors thereof, and no assessments shall be laid  
5 thereon of a greater amount, in the whole, than one  
6 hundred dollars on each share ; and said corporation  
7 may purchase and hold such real and personal estate  
8 as may be necessary for the purposes of their incor-  
9 poration.

1   SECT. 3. The said company may locate, construct  
2 and maintain, a rail-road, with one or more tracks,  
3 beginning at a convenient point for the accommoda-  
4 tion of the public, near to the centre village, in Bed-  
5 ford—thence passing through the southeasterly part  
6 of said Bedford, and the northwesterly part of the  
7 town of Lexington, on the most feasible route for  
8 constructing a rail-road, to a point most convenient  
9 for entering upon the Lexington and West Cam-  
10 bridge Rail-road, near the termination of said road,  
11 in the town of Lexington.

1   SECT. 4. If the said company be not organized,  
2 and the location of their said road filed, according to  
3 law, within two years—and, if said road be not com-  
4 pleted and opened for use, within four years from  
5 the passage of this act, then this act shall be void.

1   SECT. 5. Said company may enter with their rail-  
2 road upon the Lexington and West Cambridge Rail-

3 road, at the most convenient point in the town of  
4 Lexington, and use the same, or any part thereof,  
5 according to the provisions of law.

1    SECT. 6. The Legislature may, from time to  
2 time, reduce the rate of toll, or other receipts on  
3 said road, whenever the net income thereof shall  
4 exceed ten per cent. per annum; but the toll or  
5 other receipts shall not, without the consent of said  
6 company, be so reduced as to produce less than ten  
7 per cent. per annum on the investment of said com-  
8 pany.

1    SECT. 7. The Legislature may authorize any com-  
2 pany to enter with their rail-road, at any point on  
3 the said Bedford Rail-road, and use the same, or any  
4 part thereof, by complying with such reasonable  
5 rules and regulations as the said Bedford Rail-road  
6 Company may prescribe, or as may be determined  
7 according to the provisions of law.

1    SECT. 8. The said company may transfer their  
2 rights, privileges and franchises under this charter,  
3 to the Lexington and West Cambridge Rail-road  
4 Company, whenever a majority in interest of the  
5 stockholders of the aforesaid corporations, shall elect  
6 so to do; or, if the said Bedford Rail-road Company  
7 shall not, within the time specified in the fourth sec-  
8 tion of this act, file the location of their road accord-  
9 ing to law, then the said Lexington and West Cam-  
10 bridge Rail-road Company, or their successors, may,  
11 within one year after the expiration of said time, lo-  
12 cate, construct and maintain said road, on the route

13 provided in this act ; and, in either case, for the  
14 purposes contained in this section, the said Lexing-  
15 ton and West Cambridge Rail-road Corporation,  
16 shall have and exercise, all the rights, privileges and  
17 powers, and be subject to all the duties, liabilities,  
18 and restrictions, contained in this act, and, for the  
19 same purposes, the said Lexington and West Cam-  
20 bridge Rail-road Corporation are hereby authorized  
21 to increase their capital stock one hundred thousand  
22 dollars.

1     SECT. 9.   This act shall take effect from and after  
2 its passage.













## SENATE.....No. 104.

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### Commonwealth of Massachusetts.

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IN SENATE, April 7, 1846.

The Joint Committee on Railways and Canals, to which was referred the Petition of the Vermont and Massachusetts Railroad Corporation, for a change of location, have duly considered the same, and ask leave to

### R E P O R T :

The petitioners pray for "a further and confirmatory act, expressly recognizing and declaring their right to locate, and construct their road through Winchendon village," and also for a modification of their charter in relation to the location of their road, through the town of Northfield to Greenfield.

The last named subject was not presented to the Committee, and not considered by them.

The first prayer may be briefly stated to be an application for a change of location, and an act amendatory of their charter, to that effect. The charter granted in 1844, describes their line as running up the valley of the Nashua River to the valley of Whitman's River, in Westminster; thence up said valley to the south part of Ashburnham; thence through the north

part of the town of Gardner, to the Otter River; thence down said Otter River to the village of Baldwinsville, in the north part of Templeton, &c. The third section provides that "if the company shall not complete said road from the termination of the Fitchburg Rail-road, as far as said Baldwinsville, within three years from the date of the act, the same shall be void."

The present application is to depart from the line here described, in Ashburnham, and pass by a more northerly route, through the village of Winchendon, and strike the charter line again in South Royalston, thirteen miles and 2040 feet from the point of departure. The greatest lateral divergence from the chartered line is about six miles. The application is supported by the directors, and a majority of the stockholders, of the Vermont and Massachusetts Rail-road.

The inhabitants of Gardner and Templeton remonstrate, and appear in opposition to the prayer of the petitioners, and a number of the stockholders, holding about three hundred shares, also oppose the prayer.

The claim of the petitioners rests principally on four grounds.

1st. They allege that they intended originally to take the northern or Winchendon route, if, on a survey, it should be found more feasible, and that it was not named in their charter because, by reason of the sickness of their engineer, they were unable to procure a seasonable survey, and that they have always had it in view as one which they might wish to take.

The Committee are of opinion that this statement is not proved; the evidence, in fact, seems to preponderate decidedly to the opposite conclusion. Two petitions were drawn for the Vermont and Massachusetts Road, one describing the line in very general, and the other subsequently in more exact and specific terms. The first makes no mention of Winchendon, and the latter expressly limits the line to Baldwinsville. We do not see how it could have been, at the time of drafting their charter, an open question, because by the terms of their charter they are required to finish their road through Baldwinsville, within three years, on pain of forfeiture of their charter.

At the same time, a petition was pending for leave to construct a road from Fitchburg to the New Hampshire line, as part of a route to Bellows Falls, through Keene, over the line now covered by the Cheshire Rail-road, and in part by the Winchendon Rail-road, chartered last winter, in the State of Massachusetts. The line now prayed for to Winchendon village, was surveyed by the last named parties, and their plans, profiles, and estimates were before the Committee.

The Vermont and Massachusetts Rail-road petitioners opposed the grant of any leave to that line of road to come into Massachusetts at all, as a line competing for the same Vermont business with their own, as not entitled to equal favor with theirs, which was to a greater extent a Massachusetts road, and because they had not then obtained a charter in their own State to come down to the Massachusetts line, and by the policy of that State at that time, could not obtain one.

But, during the whole trial at that session, which was a protracted one, it was not ever contended that they wanted that line for their own road, or intended in any event to go to Winchendon village, or asked of the Committee any option or power to go there; and both their petition and charter, in terms forbade it. Nor was there evidence that they failed of a survey by reason of the sickness of their engineer, though the fact, if so, is susceptible of the most certain proof, by the engineer himself.

The application for the road through Winchendon and Keene was that year unsuccessful, though reported favorably upon by the Committee. The reported bill authorized them to construct a rail-road from the New Hampshire line to Ashburnham, "near the reservoir," there to join the Vermont and Massachusetts road; and, in case the latter should not construct their road to Baldwinsville, as above described, within three years, then to continue their road to enter on the Fitchburg Rail-road.

In 1845, the petition from the same party was renewed. They had then obtained a grant in New Hampshire to come down to the line of this State, by name of the Cheshire Rail-road Corporation, and persons connected with and in the interest of that road, asked a grant by name of the Winchendon



Rail-road Corporation, to come down from the State line in connexion with the Cheshire Rail-road to join the Vermont and Massachusetts road in Ashburnham. The latter corporation opposed this at much length, but finally withdrew opposition, on an agreement that the Winchendon Rail-road should be limited to the route from the State line to Winchendon village, *there to unite with the Vermont and Massachusetts Rail-road*, and with the power to construct their road from that point to the Vermont and Massachusetts road in Ashburnham, if the latter company should fail to locate their road through Winchendon village, &c., within one year from the first day of April, 1845, and complete the same within two years from the same date.

A bill was reported according to this agreement, but it was in its passage in the Senate amended by giving *two* years instead of *one*, to locate the Vermont and Massachusetts road to Winchendon village.

2d. The petitioners then claim, *secondly*, that, by force of the provisions of this Winchendon Rail-road charter, and by virtue of the act of last year, by which they were relieved from the forfeiture in case they failed to complete their road to Baldwinville as before named, within three years, "provided any section of their road, between Fitchburg and Athol, should be completed within three years of like extent," they supposed that they obtained the authority, and the Legislature intended to give them the power to change their location as now prayed for; but that "doubts having been suggested" of the sufficiency of the power derived from this legislation, they ask a *confirmatory* act "expressly declaring the right" so to change their location. This is, in fact, the only ground stated in their petition.

The Committee think it very clear that there is no such authority given in the two acts of last year. It is equally clear that there was no such intention in the minds of the Committee who reported the bills, or of the Legislature who passed them, or of the petitioners who asked for such legislation. The directors had not then come to a decision to ask for the change.

The sole design was to keep back the Winchendon road till they could, by further surveys, determine the expediency of the change; and, if found advisable, to apply to the county commissioners for the change. But, judging rightly, that it was not in the power of the county commissioners to relieve them from the forfeiture for not completing the road to Baldwinsville, they applied for an act to repeal that, in order to give competent authority to the commissioners to grant the change, if they should apply. Neither they, nor the Committee, acted inadvertently or ignorantly. They obtained precisely what they asked, and all the power or authority that they intended to have. By those legal provisions, all objection to the jurisdiction of the county commissioners was removed. They had selected their tribunal; and soon after made the application there for the change. They had a very full hearing, and, after repeated views of the different routes, the prayer was denied. After this decision, they took the resolution to apply to the Legislature for the change which was there refused them.

3d. A third reason urged by the petitioners, is, the general route of their road is expensive and hard, and that the ground now sought is very eligible, and that the profits of carrying the business of the Cheshire and Winchendon Road over this space of seven and a half miles, will be very large, and compensate them for the heavier and less profitable parts of their own route. They estimate the net profits at an amount equal to the interest on a capital of \$300,000.

This argument seems to the Committee, liable to two decisive answers:—

1st. If reasonable rates are imposed on the Cheshire travel, in entering on the Vermont and Massachusetts Road, there could be no such enormous profits. They ought to pay reasonably for that part of the latter road which they use, having reference to the cost of that part only. At such rates, the petitioners would obtain a reasonable compensation for the capital laid out there, and not remuneration for the more expensive parts of their road, which the Cheshire travel and business has no occasion to use.

2d. If, on the other hand, the rates should be set so high as to give such profits, it would be in the nature of a tribute paid by one corporation to another, or a tax upon one traveller for the benefit of another. The man who is travelling to Brattleborough gets cheaper fare by imposing a part of the cost of his road upon another, who is travelling to Keene or Bellows Falls.

But it is urged, in connexion with this argument, that we ought to regard the Vermont and Massachusetts Road as being more essentially a Massachusetts Road, and that we are bound to take care of Massachusetts people and business, in preference to those that use the Cheshire and Winchendon Road, which are designed more especially for the people of New Hampshire.

The Committee cannot appreciate the force of this argument. It would seem to them a most illiberal policy to tax the business of New Hampshire, for the privilege of coming into Massachusetts. The trade of the country benefits the great market as much, to say the least, as the market benefits the country. The large business which it is supposed, on both sides, the Cheshire Road will bring from the rich agricultural regions of Vermont, and possibly from the lakes and Montreal, to Boston, is one entitled to favor and encouragement, and should be met with liberal policy, or at least, with the spirit of fairness that belongs to the interchange of mutual benefits. If it is our first duty to take care of our own people, it cannot be that we should do so at the expense or inconvenience of our neighbors. These states, especially of New England, are bound together in too close relations, forming, as they do, one great sisterhood and family, to make it either wise or expedient to encourage narrow, local or sectional feelings, in relation to questions of internal improvements, or the means of intercommunication.

Even if we could be induced to countenance this sectional policy, this would not be a case for its application. It can hardly be said that one is more than the other a Massachusetts Road. Both alike point to Vermont, both alike open new avenues and resources of trade and business to our seaboard and

markets, and both are built, in nearly the same degree, by Massachusetts capital.

In one respect, indeed, the proposed change is against the very Massachusetts feeling urged in its support. By continuing upon the charter line, the Vermont and Massachusetts Road will accommodate the business of an important section of the County of Worcester, which by the change will be left without rail-road facilities; whereas the town of Winchendon will receive full accommodation by the Winchendon Rail-road.

4th. But though the petitioners have laid great stress upon the value of the  $7\frac{1}{2}$  miles of road prayed for, the ground of their claim which has had far the greatest weight, and received most attention from your Committee, is one which yet remains to be stated.

The petitioners allege that the route by Baldwinsville is found expensive and almost impracticable, and that the better route by Winchendon, is a great object of almost vital importance to them, and is sufficient cause for the change prayed for. Upon this point, much and very conflicting evidence was given on the one part, and the other; and, sitting as we do in Boston, without view of the ground, it is difficult to come to exact conclusions as to the details of the subject. The evidence, upon the whole, seems to establish that the Winchendon line is preferable, as an engineering route, and could be constructed at less cost. The principal uncertainty on this head grows out of differing estimates, as to the expense and mode of crossing a large and valuable reservoir, belonging to the Fitchburg Reservoir Company. The chartered line, as originally intended, runs directly across this basin of water, of about 400 acres superficial area. By the line contended for by the remonstrants, the grade would be about eighteen feet below the surface of the water, and would not reach the surface till it is about half way across the reservoir. For the details of this plan, we can only refer to the printed report of Mr. Borden, the engineer.

If there were no other mode of constructing the road on the charter line but by such a passage through the reservoir, we

should think it too unsafe to be relied upon, except at an unreasonable cost. But this line, though much relied on by the remonstrants, is not admitted by the petitioners to be the only or best one open to them by their present charter. They present to our consideration a line around it, by curves not very objectionable, and by grades not exceeding those on either of the others. They say they should take the line in preference to the line of Mr. Borden.

Mr. Borden estimates the cost of the Baldwinsville route at from \$19,000 to \$29,000 less than the other, according to the grades on which it is constructed, the maximum not being greater than on the other. This line being  $1\frac{1}{2}$  miles shorter than the Winchendon line, if this plan were considered safe, and the estimates unquestioned, it would be decisive of the question. But the weight of the evidence is decidedly against the sufficiency and safety of the proposed embankments through the reservoir. Mr. Hayward was selected by the different parties to make a survey and estimate of both lines. He reported the chartered or Baldwinsville line at \$326,716 75  
The Winchendon line, . . . . . 304,720 50

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Difference in favor of the Winchendon line, \$21,996 75

By his grades, the road would lie entirely above the surface of the water.

Mr. Edwards, the engineer of the petitioners, estimates the different lines, exclusive of superstructure, as follows :—

The Winchendon line, 13 miles, 2,040 feet, .	\$242,557 63
Baldwinsville line, by Borden's line, through the reservoir, 11 miles, 4,300 feet, . . . . .	327,471 68

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Difference in favor of Winchendon line, \$84,914 05

This difference is principally made by the greater cost estimated by him for the passage of the reservoir.

By the Baldwinsville route around north of the reservoir, 12 miles, 5,015 feet, Mr. Edwards estimates \$290,870 52, or difference in favor of the Winchendon route, \$48,312 89.

From this evidence and much more of like nature, it will be

apparent that the Committee cannot have the means of a very exact statement of the comparative facilities of the two routes. But assuming that the Winchendon route is preferable, the question is, whether the difference in its favor is such as to outweigh the objections to the change. This line around the reservoir has been surveyed by only one party. The survey was a hasty one. We must conclude that each party in a controversy like this, without any suspicion of intentional misstatement, has been anxious to diminish the expense of his favorite route, and not unwilling to see difficulties in that which is opposed to it. The same care and research to cheapen the route around the reservoir that has been expended on the Winchendon would probably considerably reduce this last difference.

Without, therefore, deciding whether the company will find it most advisable to go across or around the reservoir, it is apparent that the chartered line, on the evidence of the petitioners themselves, is not impracticable. There seems to be some advantage in grades, on the westerly inclination, in favor of the chartered line. Across the reservoir, the difference of more than one and a half miles would be about a fair compensation for nearly the difference in expense, but going around the reservoir, the length of the two lines is not essentially different.

Taking the excess of cost at a maximum of about \$40,000, with a fair probability of a reduction to a considerable extent, we proceed to weigh against that the objections to the alteration.

A portion of the stockholders, residing in Templeton and Gardner, remonstrate against the proposed change of location on the ground that they were among the early and most active projectors of the road; that they have spent time and money in the enterprise, and subscribed for the stock with the understanding and reliance that it would pass through those towns, and give them the benefits and facilities of a rail-road. The people of those towns have given the road their countenance and influence from the beginning; they have large water power, a great amount of lumber, and are engaged largely in various branches of manufacturing. In short, they have the elements of largely increased wealth and prosperity, if, by a rail-

road, they can have adequate markets opened to them; but that this amount of public benefit is sacrificed by the proposed change.

It is not a case where, by a choice of routes, we are to compare two local sections to see which has the best claims to accommodation at the expense of the other's claims. Here is no countervailing advantage to Winchendon—for the continuation of the Cheshire and Winchendon line affords them all the benefits which they would have by this change. Is this extra cost, varying in the estimates up to the maximum of \$40,000, sufficient to negative and silence these claims of business and equity, verging closely on the line of good faith?

We fully recognize the principle, that, in a great enterprise like the Vermont and Massachusetts Rail-road, the minor local claims must yield to the paramount interests of the whole; but we cannot go to the extent of admitting that the extremities of the road alone are to be considered, and the intermediate location to be made entirely subservient to the long route. Nor can it be conceded that the wish of the large majority of the corporation is conclusive of the question. The minority have rights entitled to consideration and protection from the Legislature in an application like this, in which their interest as stockholders is of trifling moment compared with the interest in the sectional and public advantages of the location. In all such cases, we must decide upon a comparison and balance of the local and the more general interests, giving a preference but not undue weight to the latter.

Viewed in this light, we have not seen, in the case of the petitioners, sufficient cause to warrant the change. They have their original charter line; it is not found impracticable; it accommodates those important interests which were specially in view of the petitioners and the Legislature when the road was first prayed for and granted; and, in connexion with the history of this controversy, we think a very decided case should be made out to warrant the alteration at this late day.

If this application is refused, we consider it a matter of course that the prayer of the grantees of the Winchendon Rail-road to extend their road to Ashburnham immediately, without

waiting the limitation of two years provided in their charter, should be granted of course. There is no longer any wish to delay and keep back the entry of the Cheshire road into Massachusetts. That term was made only for the purpose of giving the Vermont and Massachusetts an opportunity to try this very question. So far as it was the result of compromise and consent, the term has already expired for filing the location of the Vermont and Massachusetts road in that section; and though the Legislature deemed an amendment reasonable, extending that time to two years, yet the purpose of the delay being now at an end, if our views are concurred in by the Legislature, there can be no objection to giving the power immediately to build the Winchendon Rail-road to Ashburnham.

In this connexion, we cannot forbear to state, that there are some considerations going to show, that in equity, this piece of road, which is a desirable one to either company, rather belongs to the Winchendon than the Vermont and Massachusetts Company. They were the earliest applicants for it, substantially the same parties who are now carrying on the important enterprise of the Cheshire and Winchendon Road, pointed out the facilities and advantages of the disputed line, surveyed and estimated upon it, and asked to use it; while those who now claim it adversely to them, opposed its being used at all, they themselves seeking their own accommodation in another direction. We cannot but recognize something approaching to the equitable right of discovery in their favor. It lies in the direct line of their general route, and is not in the general line of the Vermont and Massachusetts Rail-road.

These reasons would seem to the Committee decisive in their favor but for the legislative action of last year. The reasons why that action no longer bars their claim, we have before given.

The Committee are not satisfied that this change of location is sought for principally because of the difficulties of construction upon the route, or any supposed saving of expense, but mainly for the profits of carrying the business of the Cheshire route. This reason was strongly put forward and urged by them, and though it would be desirable and beneficial to them



in that view, we cannot see any reason for taking it from the Cheshire and giving it to the Brattleboro' line of road. We have doubts whether that line would have been sought by the latter company at this time, but for the prospect of the Cheshire and Winchendon Road bringing upon it their business to swell its value.

The proprietors of the reservoir, also, memorialize the Legislature against the passage of the rail-road over their reservoir, and especially against the mode of doing it proposed by Mr. Borden, as rendering it unsafe to their property, and dangerous to the lives and property of those who are situated below it. Their remonstrance has received full compensation by the Committee.

As to injury to the reservoir, it is one to be compensated by damages in the usual method, and their remedy, in this respect, is the same which is given by law to all others.

As to the general safety, the Committee are bound to consider that the rail-road company will not construct the road in an unsafe, dangerous manner, if they go through the reservoir; they seem to be sufficiently aware of its difficulties and dangers, and have in fact declared that they have fully determined on taking the route around it, and are now operating over  $1\frac{1}{2}$  mile of this road with a view to that route.

In these views of the majority of the Committee, two members have not concurred.

In conclusion, the Committee recommend that the petitioners have leave to withdraw their petition.

Which is respectfully submitted by order of the Committee.

THOS. HOPKINSON, *Chairman.*

## SENATE....No. 105.

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### Commonwealth of Massachusetts.

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IN SENATE, April 8th, 1846.

The Joint Committee on Claims, to whom was referred the Petition of the Atlas Bank, Massachusetts Bank and Washington Bank, severally asking to be remunerated for money obtained from them by fraud, have considered the matter referred, and ask leave to make the following statement of the facts in the case.

In the year 1843, Charles Cole, Jr., a merchant of extensive business in Boston, offered, at each of the banks above named, one or more notes of hand, which, purporting to be signed or endorsed by individuals distinguished for their substance, and, therefore, entitled to undoubted credit, were readily discounted, and the money paid therefor. Some time after, the officers of the banks became suspicious of the paper, which they had reason to believe was forged. The friends of Cole, fearing that the signatures might prove to be counterfeit, tendered the money to the full amount of the notes to the banks. The officers believing that they could not consent to such a payment, consistently with their sense of their duty and the safety of the public, wholly refused, and forthwith commenced a prosecution. Cole was arrested, and his bail fixed, it is believed, at sixteen thousand dollars, and he was imprisoned. Shortly afterwards,

a hearing was had on an application to reduce his bail, and it was reduced to eight thousand dollars, upon which he procured the required sureties, and was set free upon the usual recognizance for that sum. Once at liberty, Cole secured his sureties by an ample conveyance of property, and immediately avoided his recognizance and it was adjudged a forfeit, the property was sold, and the amount of the costs were paid, and is now in the treasury of the Commonwealth.

The petitioners seem to have acted in the matter with a high and disinterested regard for public justice. They refused to avail themselves of an opportunity to receive their money in full, without trouble or danger, because they believed it to be their duty to make such an example in the matter as would effectually prevent its recurrence from the same hands, and they caused him to be placed in the custody of the law, that justice according to law, might be administered. They were disappointed. They had refused to adjust the crime for money, but the Court, in taking recognizance for so small a sum, actually sold the chance to punish for money. The petitioners, therefore, having, by the legitimate action of the Courts of the Commonwealth, lost the opportunity of an exemplary administration of the law, and knowing that there is in the treasury eight thousand dollars, which the Government has consented to receive as an equivalent for the just punishment she has failed to render, ask to be repaid the amount of the forged notes, from the money now in the treasury which was received from Cole's sureties.

If the Commonwealth expects her citizens to prefer the just administration of the laws to pecuniary considerations, and desires to prevent the private compromise of crime, it would seem equitable, as well as good policy, to consider such cases favorably, inasmuch as a contrary course would naturally lead to transactions, which would be wholly in defiance of just and faithful performance of the duties of good citizens. They therefore report the accompanying Resolve.

JAMES P. WHITNEY, *Chairman.*

*Extract from the District Attorney's Certificate.*

All the above notes are in my possession, to be used in evidence on the trial of said Cole, if he ever appears to be tried, and they will be kept by me for that purpose.

Which I certify,

**SAMUEL D. PARKER,**  
*Attorney of the Commonwealth in County of Suffolk.*

Boston, April 6, 1846.

**Commonwealth of Massachusetts.**

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In the year One Thousand Eight Hundred and Forty-Six.

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**RESOLVE**

**On the Petitions of the Massachusetts Bank, Atlas Bank, and  
Washington Bank.**

*Resolved*, for reasons set forth in the several petitions, that there be paid, to the Massachusetts Bank, one thousand six hundred and ninety-two dollars and sixteen cents; to the Atlas Bank, one thousand four hundred and thirty-two dollars and twenty-three cents; and to the Washington Bank, four hundred and twenty-four dollars and thirty-seven cents, out of money now in the Treasury of the Commonwealth, received for the forfeited recognizance of Charles Cole, Jr.; and that the Governor draw his warrants therefor accordingly.

# SENATE.....No. 106.

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## Commonwealth of Massachusetts.

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IN SENATE, April 8, 1846.

The Special Joint Committee on Railways and Canals, to which was committed the Petition of Martin Torrey and others, praying for authority to construct a rail-road from Mansfield to Woonsocket, report the accompanying Bill.

GEO. WHEATLAND, *Chairman.*

**Commonwealth of Massachusetts.**

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In the year One Thousand Eight Hundred and Forty-Six.

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**AN ACT**

To incorporate the Wrentham and Foxborough Rail-road Company.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1    SECT. 1. Martin Torrey, William A. Crocker,  
2 Melatiah Everett, Abraham H. Howland, Samuel  
3 Warner, Jr., Aaron Hobart, John M. Everett, Edson  
4 Carpenter, Don Carlos Hawes, Henry Hobart, Oliver  
5 Felt, and Rhodes Sheldon, their associates and suc-  
6 cessors, are hereby made a corporation, by the name  
7 of the Wrentham and Foxborough Rail-road Compa-  
8 ny, with all the powers and privileges, and subject to  
9 all the duties, restrictions, and liabilities, set forth in  
10 the forty-fourth chapter of the Revised Statutes, and

11 in that part of the thirty-ninth chapter of said stat-  
12 utes, relating to rail-road corporations, and in all other  
13 statutes which have been, or shall be hereafter passed,  
14 relating to rail-road corporations.

1     SECT. 2. Said company may construct a rail-road  
2 from some point at or near the depot of the Boston  
3 and Providence Rail-road, in Mansfield, at the termi-  
4 nation of the Taunton Branch Rail-road; thence  
5 northwesterly and southwesterly, on the most conve-  
6 nient line, through the towns of Mansfield, Foxbo-  
7 rough, Wrentham and Bellingham, to the line of  
8 Cumberland, in the State of Rhode Island, near the  
9 southeast corner of the town of Blackstone, passing  
10 near Foxborough and Wrentham Centres, near Shel-  
11 donville, the Universalist Meeting-house, and Luke  
12 Jenckes' house, in West Wrentham.

1     SECT. 3. The capital stock of the company hereby  
2 established, shall consist of not more than three thou-  
3 sand and five hundred shares, the number of which  
4 shall be determined, from time to time, by the direct-  
5 ors thereof, and no assessment shall be laid thereon,  
6 of a greater amount in the whole than one hundred  
7 dollars on each share; and said company may take,  
8 purchase, and hold such real estate, and may purchase  
9 and hold such engines, cars, and other things, as may  
10 be necessary for the use of said rail-road, and for the  
11 transportation of passengers, goods and merchandise.

1     SECT. 4. The company hereby established, may  
2 also enter upon, and unite their rail-road, by proper  
3 turnouts and switches, with the rail-road of said Bos-



4 ton and Providence Rail-road Company, and the rail-  
5 road of said Taunton Branch Rail-road Company, at  
6 the depot in said Mansfield, and use such last named  
7 rail-roads, or any part thereof, according to the pro-  
8 visions of law.

1    SECT. 5. The Legislature may authorize any  
2 other rail-road company to enter with another rail-  
3 road upon and use the said Wrentham and Foxbo-  
4 rough Rail-road, or any part thereof, by complying  
5 with such reasonable rules and regulations, as the said  
6 Wrentham and Foxborough Rail-road Company may  
7 prescribe, or as may be determined according to the  
8 provisions of law.

1    SECT. 6. The said Wrentham and Foxborough  
2 Rail-road Company, are hereby authorized to expend  
3 of their capital stock such sum as the directors may  
4 deem expedient, for the purposes of connecting said  
5 rail-road with the Providence and Worcester Rail-road  
6 in or near the village of Woonsocket, in the town of  
7 Cumberland and State of Rhode Island, for the laying  
8 of a track from the line of Massachusetts to said Woon-  
9 socket, for the purpose of depot accommodations, and  
10 for the purpose of any other arrangements which may  
11 be necessary to effect and complete the connexion be-  
12 tween the roads aforesaid.

1    SECT. 7. One or more of the directors or other of-  
2 ficers of said company, shall be an inhabitant of this  
3 Commonwealth, on whom process against said compa-  
4 ny may be legally served, and said company shall be  
5 held to answer in the jurisdiction where the service is  
6 made, and the process is returnable.

1   SECT. 8. If the location of said rail-road shall not  
2 be filed, according to law, within one year from the  
3 first day of December next, or if said company shall  
4 not complete said rail-road to the extent provided for  
5 in the second section of this act, according to the terms  
6 therein stated, within two years from the first day of  
7 December next, then this act shall be null and void.

1   SECT. 9. The Legislature may, after the expira-  
2 tion of five years, from the time, when said rail-road  
3 shall be opened for use, from time to time, alter or re-  
4 duce the rate of toll, or other profits upon said rail-  
5 road, but the said tolls or profits shall not, without the  
6 consent of said company, be so reduced as to produce  
7 less than ten per cent. per annum, upon the invest-  
8 ment of said company.

1   SECT. 10. This act shall take effect from and after  
2 its passage.

-last time -  
 and something  
 somebody or  
 -and -



1. The first part of the book is devoted to a general survey of the history of the theory of the origin of life.

2. The second part is devoted to a detailed examination of the various theories of the origin of life, and to a comparison of their merits and demerits.

3. The third part is devoted to a discussion of the various problems connected with the origin of life, and to an attempt to solve them.





# SENATE.....No. 107.

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## Commonwealth of Massachusetts.

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IN SENATE, April 9, 1846.

The Special Joint Committee on Railways and Canals, to which was committed the Petition of the Granite Railway Company, praying that they may be authorized to extend their Road, report the accompanying Bill.

GEO. WHEATLAND, *Chairman.*



**Commonwealth of Massachusetts.**

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**In the Year One Thousand Eight Hundred and Forty-Six.**

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**AN ACT**

**Authorizing the Granite Railway Company to extend their Rail-road.**

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1   SECT. 1. The Granite Railway Company are  
2 hereby authorized, with all the powers and privil-  
3 eges, and subject to all the duties, restrictions and  
4 liabilities, set forth in the forty-fourth chapter of the  
5 Revised Statutes, and in that part of the thirty-ninth  
6 chapter, and all Statutes now in force, and which  
7 hereafter may be passed, relating to rail-road com-  
8 panies, to extend their rail-road from its present  
9 termination near Neponset River, in the direction  
10 following, viz :—Crossing the Granite Bridge Road,  
11 at a convenient angle, and continuing thence to a

12 convenient point on the southerly bank of said river  
13 below, or easterly of, the creek, owned by the heirs  
14 of John Rowe and others, and not more than five  
15 hundred feet below the Granite Bridge, thence  
16 straight across said river to the northerly bank  
17 thereof, by a bridge in which there shall be a draw  
18 of the same width, and in all respects as convenient  
19 as that of said Granite Bridge, and thence in such  
20 convenient direction as to form a junction with a  
21 branch rail-road now authorized to be constructed  
22 from Milton village to the Old Colony Rail-road, to  
23 be called the Dorchester and Milton Branch Rail-  
24 road ; and, if said branch rail-road shall not have  
25 been built within three years from the passing of this  
26 act, then said Granite Railway Company are hereby  
27 authorized to continue their said road in the most  
28 convenient direction to said Old Colony Rail-road  
29 and to enter the same and form a junction therewith.  
30 And, with respect to said draw, said Rail-way Com-  
31 pany shall be subject to the same duties and liabili-  
32 ties as are contained in the fourth section of the act  
33 to establish the Old Colony Rail-road Corporation.

1     SECT. 2.   Said Granite Railway Company are  
2 hereby authorized to construct branches not exceed-  
3 ing one mile and a quarter, each, in length, from any  
4 part of their rail-road, within half a mile of their  
5 own granite quarry, to any of the other neighboring  
6 quarries ; and, for the convenient shipping of stone,  
7 to construct a wharf and depot on said river below  
8 said Old Colony Rail-road, and a branch from the  
9 said rail-road to said wharf and depot ; and said  
10 Granite Railway Company are authorized to take

11 such land as may be necessary for such wharf and  
 12 depot, not exceeding three acres in extent, and such  
 13 strips of land, not exceeding five rods in width, as  
 14 may be needful for the extensions and branches au-  
 15 thorized hereby, making payment for all land so ta-  
 16 ken, in the same manner as is provided by law con-  
 17 cerning land taken for the construction of rail-roads.

1 SECT. 3. Said Granite Railway Company are  
 2 hereby authorized to transport passengers and mer-  
 3 chandise, as well as stone, over their said rail-road  
 4 and the several branches thereof, and to own and use  
 5 locomotive engines and cars suitable therefor ; and,  
 6 for the purposes mentioned in this act, may increase  
 7 their capital stock by an amount not exceeding fifty  
 8 thousand dollars.

1 SECT. 4. Said Granite Railway Company are  
 2 further authorized to sell their said road as it now is,  
 3 with the rights and privileges created by this act, or,  
 4 as it may be when extended as aforesaid, in whole or  
 5 in part, and with the several branches aforesaid, or  
 6 any of them, to the Old Colony Rail-road Corpora-  
 7 tion ; and said corporation is hereby authorized to  
 8 purchase the same.

## SENATE....No. 108.

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### **Commonwealth of Massachusetts.**

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IN SENATE, April 9, 1846.

The Special Joint Committee on Railways and Canals, to which was committed the Petition of William Richardson and others, praying for authority to construct a rail-road from or near Neponset Village, in Dorchester, through Dorchester and Milton to the Old Colony Rail-road, report the accompanying Bill.

GEO. WHEATLAND, *Chairman.*

**Commonwealth of Massachusetts.**

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**In the Year One Thousand Eight Hundred and Forty-  
Six.**

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**AN ACT**

**To incorporate the Dorchester and Milton Branch Rail-  
road Company.**

***BE it enacted by the Senate and House of Representa-  
tives, in General Court assembled, and by the authority of  
the same, as follows :***

1    **SECT. 1.** William Richardson, Edmund P. Tiles-  
2    ton, Asaph Churchill, Jonathan Ware, Mark Hol-  
3    lingsworth, their associates and successors, are here-  
4    by made a corporation, by the name of the Dorches-  
5    ter and Milton Branch Rail-road Company, with all  
6    the powers and privileges, and subject to all the  
7    duties, restrictions and liabilities, set forth in the  
8    forty-fourth chapter of the Revised Statutes, and in  
9    that part of the thirty-ninth chapter of said statutes,  
10   which relates to rail-road corporations, and in all  
11   general laws, which are now, or may be hereafter,  
12   in force, relating to rail-road corporations, in this  
13   Commonwealth.

1    **SECT. 2.** Said company may locate, construct,  
2 and maintain a rail-road, with one or more tracks,  
3 within the towns of Dorchester and Milton, in the  
4 County of Norfolk, commencing at the most conve-  
5 nient point at or near the depot of the Old Colony  
6 Rail-road, at Neponset Village, so called, in Dor-  
7 chester, and thence running, on the most eligible  
8 route, through the southeasterly part of the town of  
9 Dorchester, to a point eastwardly of the road leading  
10 from Dorchester to Milton, over Milton Hill, then  
11 crossing Neponset River, and thence running through  
12 the northerly part of the town of Milton, to some  
13 convenient point in Dorchester or Milton, at or near  
14 “ the Upper Mills,” so called.

1    **SECT. 3.** The capital stock of said company shall  
2 consist of not more than nine hundred shares, the  
3 number of which shall, from time to time, be deter-  
4 mined by the directors of said company ; and no  
5 assessment shall be laid thereon, of a greater amount,  
6 in the whole, than one hundred dollars on each share;  
7 and said company may invest and hold such part  
8 thereof, in real and personal estate, as may be ne-  
9 cessary and convenient for the purposes of their  
10 incorporation.

1    **SECT. 4.** If the location of said road be not filed,  
2 according to law, within one year, or if the said road  
3 be not completed within two years from the passage  
4 of this act, then this act shall be void.

1    **SECT. 5.** The said company is hereby authorized  
2 to enter with their rail-road, by proper turnouts and  
3 switches, upon the Old Colony Rail-road, at or near

**4 DORCHESTER & MILTON BR. R. R. CO. [April,'46.**

**4 the depot in Neponset Village, and to use the same,  
5 or any part thereof, according to the provisions of  
6 law.**

**1 SECT. 6. The Legislature may authorize any  
2 company to enter with another rail-road upon, and  
3 use said Dorchester and Milton Branch Rail-road,  
4 or any part thereof, by complying with such reason-  
5 able rules and regulations, as the said Dorchester  
6 and Milton Branch Rail-road Company may pre-  
7 scribe, or as may be determined according to the  
8 provisions of law.**

**1 SECT. 7. The said Dorchester and Milton Branch  
2 Rail-road Company may transfer and convey their  
3 rights, privileges, property, and franchise under this  
4 charter, to the Old Colony Rail-road Corporation ;  
5 and said Old Colony Rail-road Corporation are here-  
6 by authorized to take, receive, and hold the same,  
7 whenever a major part of the stockholders of the  
8 two corporations respectively, shall elect so to do ;  
9 and, for this purpose, the Old Colony Rail-road Cor-  
10 poration may increase their capital stock by new  
11 shares, to an amount not exceeding ninety thousand  
12 dollars.**

**1 SECT. 8. The Legislature may, after the expira-  
2 tion of four years from the time when said rail-road  
3 shall be opened for use, from time to time, alter or  
4 reduce the rate of tolls or profits upon said road ;  
5 but said tolls or profits shall not be so reduced,  
6 without the consent of said corporation, as to pro-  
7 duce less than ten per centum per annum, upon the  
8 investment of said company.**

## SENATE.....No. 109.

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### Commonwealth of Massachusetts.

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IN SENATE, April 9, 1846.

The Joint Committee on Towns, to which was committed the Memorial of the Assessors of the town of Mendon, praying for Legislative action to enable them to assess, legally, their State and County Tax, in consequence of setting off the town of Blackstone, report the accompanying Bill.

J. G. THURSTON, *Chairman.*



## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Six.

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### AN ACT

In addition to an Act to incorporate the Town of Blackstone.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1    SECT. 1.   The town of Blackstone shall pay to the  
2 town of Mendon eleven seventeenths of all State and  
3 County taxes apportioned to the town of Mendon for  
4 the year one thousand eight hundred and forty-five;  
5 and the assessors of said town of Blackstone, upon a  
6 certificate made to them by the assessors of the town  
7 of Mendon of the amount aforesaid, shall assess the  
8 same upon the polls and estates of the inhabitants of  
9 the said town of Blackstone, and shall direct the col-  
10 lector of the town of Blackstone to collect the amount  
11 so assessed and pay the same to the treasurer of the

12 said town of Mendon, on or before the first day of  
13 November, one thousand eight hundred and forty-six.

1     SECT. 2. All State and County taxes which other-  
2 wise would be apportioned to the town of Mendon  
3 until the next State valuation, shall hereafter be appor-  
4 tioned eleven seventeenths to the town of Blackstone,  
5 and six seventeenths to the town of Mendon; said  
6 apportionment to be made by the State and County  
7 officers whose duty it is to apportion State and County  
8 taxes, and be collected of the respective towns the  
9 same as if the town of Blackstone had been incorpo-  
10 rated before the taking of the State valuation next  
11 preceding the passage of this act.



## SENATE...., No. 110,

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### Commonwealth of Massachusetts.

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IN SENATE, *April 8, 1846.*

THE Committee on Railways and Canals, to whom was referred the petition of John Wenzell and others, for a branch rail-road from Framingham to the Fitchburg Rail-road in Weston, have duly considered the same, and ask leave to

### REPORT :

The Boston and Worcester Rail-road Corporation appear and oppose the petition.

The petitioners ask leave to construct a rail-road from the centre village in Framingham, through the village of Saxonville, and through a corner of Sudbury and the centre of Wayland, and passing through Weston, to enter the Fitchburg Rail-road at the Weston depot, near Stony Brook. The length of the route is 11 miles 14 feet. The cost estimated by the engineer is \$166,210. But many items of this estimate were evidently too low. It is not probable the cost would be less than about \$20,000 per mile. The petitioners, in their business estimates, it will be seen, assume a cost of \$200,000.

The towns, villages, and business, for whose accommodation

the road is designed, will also be seen in the annexed business estimates.

The centre village of Framingham is one and a half mile from the South Framingham depot of the Boston and Worcester Rail-road, which is one of the principal stopping-places between Worcester and Boston. The Boston and Worcester Rail-road Corporation have power, by their charter, to construct a branch to that village, and are ready to do so, whenever they shall be informed that it is the wish of the people there that they should.

Saxonville, in the northeast part of Framingham, is the most important business point on the route, having in fact nearly one half the whole business of the whole route. During the last year, a branch has been commenced from this village to the Natick depot of the Boston and Worcester Road, and is in rapid progress. The distance is four miles from Saxonville to Natick. The testimony is, that the people of this village do not object to the branch here prayed for, nor are they petitioners for it. They will be satisfied with the branch to the Worcester Road.

The proposed road will pass through this village within a few rods of the depot of the Worcester branch.

There is, at present, no rail-road passing through Sudbury or Wayland. The proposed road would give them, and a large part of Weston, desirable rail-road accommodation. For the amount of business which they would contribute to the support of such a road, we refer to the annexed business estimates of the petitioners and remonstrants.

Your Committee are of opinion, that the road here prayed for is not the true mode of obtaining the rail-road accommodations which those towns require. They are of opinion that the centre village of Framingham would be better accommodated by a branch to the South Framingham station of the Boston and Worcester Road.

Saxonville will have a branch in operation, in course of the present year, probably, to Natick, which will be satisfactory to them, and, in the opinion of your Committee, will possess superior advantages, for their interest, to those which the proposed road would afford.

A branch from Wayland to the Fitchburg road, at the point where the road here prayed for meets it, would seem to be the most natural and eligible mode of providing for their accommodation, and the accommodation of Weston, on the proposed line. The business of Sudbury would fall principally into the last branch at Wayland. But at present there would not be sufficient business probably to support such a branch.

Your Committee are of opinion that, after deducting the business which would still take the Boston and Worcester Rail-road, if the proposed road were in full operation, there would not remain a sufficient support for the latter, and that the case does not show a sufficient exigency to warrant the grant of a charter.

It is against clear and obvious policy to make two roads for the accommodation of business which is equally well accommodated with one. This principle applies to the villages of centre Framingham and Saxonville, with the proposed branches to the Worcester road; and it will be seen that those two villages furnish nearly three fourths of the whole amount relied upon by the petitioners.

The Committee, therefore, recommend that the petitioners have leave to withdraw their petition.

Which is respectfully submitted.

THOS. HOPKINSON, *Chairman.*

## PROPOSED FRAMINGHAM AND WESTON BRANCH RAIL-ROAD.

*Estimated amount of business from the villages, on the proposed Branch Rail-road from Framingham to Stony Brook, on the Fitchburg Rail-road, and of the income which may be anticipated therefrom, founded on the testimony offered by the petitioners.*

	No. of passen- gers.	Tons of freight.		Receipts of income.
<b>FROM FRAMINGHAM CENTRE.</b>				
<i>Passengers.</i> —By Conant's stage, 6 to 8 per day, $[312 \times 7]$ . . .	2184			
Do. half as many in other ways, . . .	1092			
Do. by Fuller's stage to Worcester Branch—tickets, <i>down</i> , . . .	2603			
Do. <i>do. up</i> , more, say . . .	2700			
Do. by H. & W. Branch in other ways, say . . .	1000			
	9579	.	a 60 cts.	\$5747 40
<i>Freight.</i> —Total estimate of last year, . . . 1600 tons.				
Do. add bricks from Charlestown, . . . 500 "				
	.	2100	a \$1	2100 00
<b>FROM SAXONVILLE.</b>				
<i>Passengers.</i> —By Conant, exclusive of Central Village, 21 a day, $[312 \times 21]$ . . .	6552			
Do. half as many in other ways, . . .	3276			
	9828	.	a 55 cts.	5405 40
<i>Freight.</i> —By estimate of last year, . . . 8500 tons.				
Do. add for bricks and laths from Charlestown, . . . 500 "				
	.	9000	a \$1	9000 00
<b>FROM MARLBOROUGH.</b>				
<i>Passengers.</i> —In various ways, say . . .	3000	.	a 50 cts.	1500 00
<b>FROM SUDBURY, WAYLAND AND WESTON.</b>				
<i>Passengers.</i> —By Fessenden, 17 per day, $[312 \times 17]$ . . .	5304	.	a 50 cts.	2652 00
<i>Freight.</i> —From Wayland, tons, . . .	.	1000	a 75 cts.	750 00
Do. " Weston, " . . .	.	400	a 60 cts.	240 00
<i>Passengers.</i> —From Framingham to Concord, say 10 per day, $[312 \times 10]$ . . .	3120	.	a 50 cts.	1560 00
Do. Worcester stage will continue to run for the same motives as now, . . .	00			00
Carried over, . . .	30,831	12,500		\$28,954 80

	No. of passen- gers.	Tons of freight.		Receipts of income.
Brought over, . . . . .	30,831	12,500		\$28,954 80
From the above deduct one half the busi- ness of Framingham Centre, Saxon- ville and Marlborough, which will be as well accommodated by the Boston and Worcester Rail-road as by the new branch, viz:—				
<i>Passengers.</i> —From Framingham, . .	4789	. a 60 cts.		\$2,874 00
Do. " Saxonville, . .	4914	. a 55 cts.		2,702 70
Do. " Marlborough, . .	1500	. a 50 cts.		750 00
<i>Freight.</i> —From Framingham, tons, . .	. 800	a \$1		800 00
Do. " Saxonville, " . .	. 4250	a \$1		4,250 00
Deduct, . . . . .	11,203	5050		\$11,376 70
Balance remaining to branch, . .	19,628	7450		\$17,578 10

## RECAPITULATION.

Whole number of passengers from Framingham,

Saxonville and Marlborough, . . . . . 22,407

Deduct one half for Boston and Worcester R. R., . . . . . 11,203

Estimated number by proposed branch, . . . . . 11,204

Estimated from Wayland, Weston and Sudbury, . . . . . 8,424

Total estimate for the branch, . . . . . 19,628 passengers.

Freight from Framingham, Saxonville and Marl-  
borough, . . . . . 11,100 tons.Deduct for Boston and Worcester road one half,  
except 1000 tons brick, . . . . . 5,050

Estimated tonnage by branch, . . . . . 6,050

Freight from Wayland and Weston, . . . . . 1,400

7,450 tons freight.

Total receipts from Framingham, Saxonville and Marl-  
borough, . . . . . \$23,752 80Deduct receipts of part transported on Boston and  
Worcester road, . . . . . 11,376 70

Income of the branch from these towns, . . . . . \$12,376 10

Do. from Wayland, Weston and Sudbury, . . . . . 5,202 00

Total estimated receipts of branch, . . . . . \$17,578 10



6      **FRAMINGHAM BRANCH RAIL-ROAD.**      [April,

<b>Estimated amount of Gross Receipts on Branch and Fitchburg Rail-road, including omnibus charge from Charlestown to Boston,</b>		<b>\$17,578 10</b>
<b>Deduct for Fitchburg Rail-road,—</b>		
On 19,623 passengers, at 15 cts.,	\$2,944 20	
“ 7,450 tons freight, at 50 cts.,	3,725 00	
For omnibus expenses to Boston, 19,623, at 6½ cts.,	1,226 75	
		<b>7,895 95</b>
<b>Net receipts of Branch Rail-road,</b>		<b>\$9,682 15</b>

*Estimate of Annual Expenses of Branch Rail-road, eleven miles in length, with Engines, Cars, Agents, &c. sufficient for transacting the amount of business above estimated, running two trips each way daily, to meet the Fitchburg upward and downward trains.*

Repairs of road, 11 miles, at \$300 a mile,	\$3,300 00
Repairs of Engines and Cars,	1,500 00
Wear of do. beyond repairs, 10 per cent. on a cost of \$20,000,	2,000 00
Salary of Superintendent,	800 00
Salaries of Treasurer and Chief Clerk, and of Conductor, \$500 each,	1,000 00
“ “ four other Depot Agents, at \$300,	1,200 00
Wages of Engineman, Fireman and Brakeman, at \$4 per day,	1,248 00
Fuel for four daily trips, firing up for each, 624 cords, at \$5, prepared,	3,120 00
Fuel for depots, oil and tallow for engines and cars, and snow clearing,	250 00
Damages and loss, insurance, taxes, and incidental expenses,	1,000 00
	<b>\$15,418 00</b>
Deduct above amount of receipts,	<b>9,682 15</b>
Deficit of income for meeting expenses,	<b>\$5,725 85</b>

All which is respectfully submitted to the Committee on behalf of the Boston and Worcester Rail-road, remonstrating against the said Branch, by

NATHAN HALE.

*Boston, March 20, 1846.*

*Estimate of traffic proved on the proposed road from Framingham to Weston, to connect with the Fitchburg Rail-road at Weston.*

Framingham, passengers by Conant, 2400 per yr., at 60,	\$1440 00	
“ “ “ Fuller, 5400 “ “	3240 00	
“ “ “ private conveyance, &c., at 60,	855 00	
“ freight, 2980 tons, at \$1 25,	3725 00	
“ milk, . . . . .	500 00	
		\$9750 00
Saxonville, passengers by Conant, 6000 at 60, .	\$3600 00	
“ “ “ other ways, 6000 at 60,	3600 00	
“ freight, 6000 tons at \$1, . . . .	6000 00	
		13,200 00
Wayland, passengers, 900 at 50, by Conant, .	\$450 00	
“ “ 2550 “ “ Fessenden,	1275 00	
“ freight, 1100 tons, at \$1, . . . .	1100 00	
		2825 00
Weston, passengers, 900 by Conant, at 50, .	\$450 00	
“ “ “ “ Fessenden, at 50, .	450 00	
“ freight, 465 tons at 90, . . . .	418 50	
		1318 50
Sudbury, passengers, by Fessenden, 2550 at 60,	\$1530 00	
“ “ “ private conveyance, 1275,	765 00	
“ Mill Village, freight, 1100 tons, at \$1,	1100 00	
		3395 00
Passengers from towns adjoining Sudbury, .	\$1530 00	
“ by Worcester stage, 2700, . . . .	1350 00	
Way passengers and cross travel, . . . .	3000 00	
		5880 00
Bricks to Framingham and Saxonville, 500,000—1000		
tons, and 300 tons to Wayland, at \$1, . .	\$1300 00	
Coal to Saxonville and Framingham, 1000 tons, at \$1, .	1000 00	
		2300 00
Total, . . . . .		\$38,678 50
Cost of road, \$200,000.		
Interest at 6 per cent., . . . . .	\$12,000 00	
Payment to Fitchburg Road, . . . . .	11,500 00	
Running expenses, . . . . .	15,000 00	
		\$38,500 00
Which, deducted from \$38,678 50, leaves surplus of . . . .		\$178 50

8      **FRAMINGHAM BRANCH RAIL-ROAD.** [April, '46.

It will be seen that, in the estimate, freight to Framingham is put at \$1 25, which is lower than the average on the Worcester road, and freight at intermediate places, \$1.

No allowance is made for increase of business, which may safely be assumed at one third of the whole estimate.

Increasing the net proceeds by one third, and we

have for the traffic,	.	.	.	\$51,570 63
Interest on cost of road, (\$200,000,) at				
8 per cent.,	.	.	.	\$16,000 00
Payment to Fitchburg road,	.	.	.	11,500 00
Running expenses,	.	.	.	15,000 00
				<hr/> 42,500 00

Which, deducted from \$51,570 63, leaves a surplus of \$9,070 63

CHAS. R. TRAIN,

*Attorney for Petitioners.*

## SENATE.....No. 111.

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### Commonwealth of Massachusetts.

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IN SENATE, April 10, 1846.

*Ordered*, That the Committee on the Judiciary consider the expediency of conferring, by law, further power upon the Supreme Judicial Court, in regard to the sale of Trust Estates.

CHAS. CALHOUN, *Clerk*.

**Commonwealth of Massachusetts.**

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IN SENATE, April 10, 1846.

The Committee on the Judiciary, upon the order referred to them, directing them to inquire into the expediency of conferring, by law, further power upon the Supreme Judicial Court, in regard to the sale of Trust Estates, have considered the subject of that order, and now report a Bill.

For the Committee,

T. D. ELIOT.

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Six.

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### AN ACT

Concerning the sale of Trust Estates.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1 The Supreme Judicial Court, in exercising their  
2 jurisdiction over trusts relating to real and personal  
3 estate, in all cases, where a sale and conveyance of  
4 such estate shall have become necessary or expe-  
5 dient, upon the bill or petition of any party inter-  
6 ested therein, shall have power to order and decree  
7 such sale and conveyance, and the investment, re-  
8 investment, and application of the proceeds thereof,  
9 upon such security, and in such manner, as shall best  
10 effect the objects of the trust, and be most safe and  
11 beneficial for all interested therein.



## SENATE....No. 112.

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### Commonwealth of Massachusetts.

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The Joint Standing Committee on Towns, to whom was referred the Petition of Warren Hunt and others, praying that a portion of the towns of Douglas and Sutton may be set off and incorporated into a new town, having duly considered the same, ask leave to submit the following

### REPORT:

The Committee gave the parties a long and patient hearing, and having fully investigated the subject-matter involved in the case, they feel bound to say, that the petitioners have shown difficulties to exist, which, if known to be irreconcilable, would justify the Committee in reporting a bill. But, believing, as they do, that the causes which induced the petitioners to seek redress for their grievances at the hands of the Legislature, had their origin in what were deemed oppressive measures from a majority of the town towards one of its school districts. Therefore, the Committee, being deeply and sincerely impressed with the belief, that mature reflection upon the subject, after a candid review of what has taken place, will induce the good people of the town of Douglas not to suffer a stain to remain upon the fair reputation of a town which has hitherto sustained so respectable a standing among the towns of this ancient Com-



**2 TOWNS OF DOUGLAS AND SUTTON. [April, '46.**

monwealth, but that an amicable and honorable adjustment will speedily be made, of all matters relating to *schooling* and *school districts*; and aware, also, that it must be a most desirable object to all the parties interested, thus to settle their difficulties; therefore, the Committee, in view of these circumstances, unanimously recommend that the further consideration of the subject be referred to the next General Court.

JOHN G. THURSTON,  
ZEBINA FIELD,  
H. G. O. ELLIS,  
DAVID MORGAN,  
WILLIAM MARBLE,  
JOSEPH DAY,  
JOSEPH D. SARGENT.

*April 10, 1846.*





## SENATE.....No. 113.

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### Commonwealth of Massachusetts.

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IN SENATE, April 10, 1846.

The Committee on Railways and Canals, to which was committed the Petition of the Grantees of the Winchendon Railroad Company, for an Amendment of their Charter, report the accompanying Bill.

THOS. HOPKINSON, *Chairman*.

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Six.

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### AN ACT

In relation to the Winchendon Rail-road Corporation.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1   SECT. 1.   An Act entitled “ An Act to establish  
2 the Winchendon Rail-road Corporation,” passed on  
3 the 13th day of March, in the year one thousand  
4 eight hundred and forty-five, is so far amended, that  
5 the said Winchendon Rail-road Corporation is hereby  
6 authorized and empowered immediately to locate,  
7 construct, and extend their rail-road through the  
8 town of Winchendon to some convenient point on the  
9 Vermont and Massachusetts Rail-road in the town of  
10 Ashburnham, Gardner, or Westminster, with liberty,

11 at said point, to enter with their rail-road upon said  
12 last-named rail-road, and to use the same agreeably  
13 to the provisions of the laws of the Commonwealth  
14 relating thereto ; and, for the purposes aforesaid, the  
15 said Winchendon Rail-road Corporation shall have  
16 all the powers and privileges, and be subject to all  
17 the duties, liabilities and restrictions, consistent there-  
18 with, contained in their act of incorporation afore-  
19 said.

1   SECT. 2. If the said Vermont and Massachusetts  
2 Rail-road Corporation shall elect to relinquish, to  
3 the use of the Winchendon Rail-road Corporation,  
4 that portion of their road now in progress of con-  
5 struction, and being in Ashburnham, Gardner and  
6 Westminster westerly of Whitmansville, or any con-  
7 tinuous northerly part of said portion, and shall give  
8 notice thereof to either of the grantees named in the  
9 charter of said Winchendon Rail-road Corporation,  
10 in writing, on or before the first day of July next,  
11 and shall continue the work thereon until said notice  
12 shall be given, the last-mentioned corporation shall  
13 then have the right to enter thereon and complete  
14 the construction thereof, and shall, within sixty days  
15 after the said Vermont and Massachusetts Rail-road  
16 Corporation shall have exhibited to them a true and  
17 just account of the expenditures hereinafter named,  
18 pay to them whatever sum or sums they shall have  
19 expended in locating and grading the part relin-  
20 quished, and in obtaining the right of way, from  
21 Winchendon Village to the point of junction, so far  
22 as the said Winchendon Rail-road Corporation shall

**23 be benefited thereby, with interest thereon from the**  
**24 date of such expenditure.**

**1    SECT. 3.    This act shall take effect from and after**  
**2 its passage.**

# SENATE....No. 114.

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## Commonwealth of Massachusetts.

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IN SENATE, April, 10, 1846.

The Joint Committee on Railways and Canals, to which was committed the Petition of Vermont and Massachusetts Railroad Corporation, praying for extension of the time for filing their location and for other things, report the accompanying Bill.

THOMAS HOPKINSON, *Chairman.*



**Commonwealth of Massachusetts.**

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**In the Year One Thousand Eight Hundred and Forty-Six.**

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**AN ACT**

**In addition to an Act to incorporate the Vermont and  
Massachusetts Rail-road Corporation**

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1    SECT. 1. The location of the Vermont and Mas-  
2    sachusetts Rail-road may be filed at any time within  
3    one year from and after the termination of the pres-  
4    ent session of this Legislature ; and said company  
5    shall be allowed the same time for completing all  
6    sections of their rail-road, above the point of junc-  
7    tion with the Winchendon Rail-road, as they now  
8    have for completing that part which lies west of  
9    Baldwinsville ; and all forfeitures to which said com-  
10   pany may be subject, under prior acts in relation to  
11   said company, by omitting to file their location, or

12 to complete any portion of their rail-road west of  
13 said point of junction with said Winchendon Rail-  
14 road, in any shorter time, are hereby remitted. But  
15 in case said location shall not be filed, and said rail-  
16 road completed within the time limited by this act,  
17 the charter of said company shall be void.

1    SECT. 2. Said company, in locating and con-  
2 structing that portion of their rail-road, which shall  
3 be between the point of junction aforesaid and South  
4 Royalston, are hereby empowered to adopt a route  
5 diverging from their present chartered line, in man-  
6 ner following, viz : commencing at some convenient  
7 point in Westminster, Gardner or Ashburnham, and  
8 thence running through the town of Gardner to the  
9 valley of the Otter River ; and thence by such line  
10 as shall be found most feasible, through Templeton  
11 to a point in their chartered line, between Gibson's  
12 Mill and the village of South Royalston.

1    SECT. 3. The said company, in relation to the  
2 new line of their rail-road hereby authorized, shall  
3 enjoy all the rights, powers and privileges, and be  
4 subject to all the duties, restrictions, liabilities, and  
5 reservations, set forth in their original charter.

1    SECT. 4. In case said company shall elect to lo-  
2 cate and construct their main road through the  
3 towns of " Greenfield and Bernardston," as named  
4 in their charter, they are hereby authorized to build  
5 a branch road for the accommodation of the town of  
6 Northfield, diverging from the main trunk at some  
7 convenient point between Grout's Tavern in Mon-

**4 VERMONT & MASSACHUSETTS R. R. CORP. [Apr.'46.**

8 tage, and the Vermont line ; thence running in the  
9 best direction to a point near the centre of the town  
10 of Northfield. And in case said company shall lo-  
11 cate and build their main road through "North-  
12 field," as named in their charter, they are hereby  
13 authorized to construct a branch road, commencing  
14 at said Grout's Tavern and running in the best di-  
15 rection, crossing the Connecticut River in such man-  
16 ner as to unite with the Connecticut River Rail-road  
17 at some convenient point in Deerfield or Greenfield,  
18 between Deerfield Village and Greenfield Village.

## SENATE.....No. 115.

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### Commonwealth of Massachusetts.

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IN SENATE, April 11, 1846.

The Joint Committee on Manufactures, to which was committed the Petition of Robert Robbins and others, praying an alteration in the law providing for the inspection of lime, report the accompanying Bill.

NATHANIEL B. BORDEN, *Chairman*.

## Commonwealth of Massachusetts.

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In the year One Thousand Eight Hundred and Forty-Six.

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## AN ACT

Concerning the Inspection of Lime.

**BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1   SECT. 1. Whenever, in accordance with the provi-  
2   sions of the twenty-eighth chapter of the Revised  
3   Statutes; an inspection shall be demanded of lime  
4   manufactured in, and imported from, the State of  
5   Maine, the inspector shall require that such lime be in  
6   casks manufactured from sound and well seasoned  
7   lumber, with at least ten good hoops, well driven and  
8   secured upon each cask ; the staves of the cask shall  
9   be thirty inches in length, and not less than half an  
10  inch in thickness ; the heads shall be not less than  
11  three fourths of an inch in thickness, and they shall  
12  be well crozed in ; each cask to be not less than twen-

13 ty-six and one half inches between the heads, and  
14 seventeen inches between the chimes, with good and  
15 suitable bilge, and made in a workman-like manner.

1     SECT. 2. The same rules, regulations, restrictions  
2 and liabilities, except as to the size of the cask, shall  
3 apply to lime imported from the State of Maine, as  
4 are provided in said twenty-eighth chapter of the Re-  
5 vised Statutes, and the same compensation shall be  
6 made for inspection.



## **SENATE.....No. 116.**

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### **Commonwealth of Massachusetts.**

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**IN SENATE, April 11, 1846.**

**The Committee on the Judiciary, to whom was referred a Resolve concerning Attachments on Mesne Process from the Courts of the United States, have considered and examined the same, and now report the same in a new draft, and recommend its passage.**

**T. D. ELIOT.**



## **Commonwealth of Massachusetts.**

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**In the Year One Thousand Eight Hundred and Forty-six.**

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### **RESOLVE**

**Concerning Attachments on Processes issued by the Courts of  
the United States.**

*Resolved*, That the Senators and Representatives of this Commonwealth, in the Congress of the United States, are hereby requested to use all proper exertions to procure the passage of an Act of Congress, declaring that attachments of the property of citizens of Massachusetts, by process issuing from the courts of the United States, sitting in the district of Massachusetts, shall be subject to be dissolved by the subsequent proceedings in insolvency of the defendants in such suits, in like manner as if the same were made under and by virtue of process issuing from the courts of this Commonwealth.





## SENATE.....No. 117.

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### Commonwealth of Massachusetts.

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IN SENATE, April 13, 1846.

The Committee on Mercantile Affairs and Insurance, to whom was referred the message from the Governor, transmitting the report of the Commissioners appointed by virtue of the resolves of eighteen hundred and forty-five, chapter one hundred and nine, for the survey of South Bay, Charles River, and Mystic River and Pond, together with the plans illustrating the same, having given the whole subject careful attention, and having had several hearings of parties interested,

### R E P O R T :

That the Commissioners have presented views of the subject committed to them which deserve more deliberate consideration than can be given to them at this time.

That, in order to decide what measures should be adopted for the further protection of the harbor of Boston, it is important to ascertain with precision how far private rights are to be affected by such measures, what is the value of those rights, and whether the proprietors are prepared to relinquish them for an equitable consideration.

The Committee, therefore, recommend that the accompanying Resolution be adopted, and that the further consideration of the subject be referred to the next meeting of the Legislature.

All which is respectfully submitted.

THOS. G. CARY, *Chairman.*

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SENATE, April , 1846.

Accepted.

Sent down for concurrence.

## Commonwealth of Massachusetts.

---

In the year One Thousand Eight Hundred and Forty-Six.

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### RESOLVE

In addition to a Resolve authorizing the Survey of South Bay, and Charles and Mystic Rivers.

*Resolved*, That His Excellency the Governor be, and he hereby is, authorized and requested, with the advice and consent of the Council, to appoint one or more commissioners to ascertain what private rights will be affected by adopting the precautions and restrictions recommended or pointed out in the report and plans of the commissioners appointed for the survey of South Bay, Charles River, and Mystic River and Pond; what is the value of those rights, and what amount of compensation will be required by the proprietors for the necessary interference with them.

Also, to examine the wharves and other structures that have been built, or extended, on the borders of the harbor of Boston, or within its channels, by permission from the Legislature, granted since the establishment of the line recommended by the commissioners in the year eighteen hundred and thirty-seven, and to ascertain whether the works erected under such permission are what they were authorized to be and nothing more.

And said commissioner or commissioners shall give at least ten days' notice, in three or more newspapers published in Boston, of a time and place for hearing, so that all persons interested may appear and be heard in relation to the matters herein mentioned; and shall make report of all doings thereon before the first day of December next to the Governor, who is hereby requested to lay the same before the Legislature.

*Resolved*, That the Governor and Council be authorized to audit and allow the account of the commissioner or commissioners so appointed; and that the Governor, with the advice of the Council, be, and he hereby is, authorized to draw his warrant on the treasurer of the Commonwealth for such sum or sums of money, not exceeding in the whole five hundred dollars, as may be necessary to carry the foregoing resolve into effect.

## SENATE.....No. 118.

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### Commonwealth of Massachusetts.

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The Joint Special Committee, to whom was committed the petition of John Augustus and forty-three others, citizens of Boston, praying for the establishment, in that city, at the expense of the Commonwealth, of a "*Temporary Home*," for poor drunkards discharged from the House of Correction, and for the temporary protection of drunkards who have not been sentenced to confinement, but are found houseless and destitute;—also, the petition of Gideon Lane and one hundred and fifty others, citizens of Gloucester, in aid of the same;—also, a communication from the Secretary of the Commonwealth, respecting the number of sentences to the House of Correction in the county of Suffolk, for intemperance, during the last six years;—have attended to the duty assigned them, and ask leave to submit the following

### R E P O R T :

Your Committee met the petitioners at several times, and listened with much interest to such statements and evidence as they were desirous to present.

It appeared that, of all the commitments to the House of Correction, in the county of Suffolk, much the largest number had been for the offences of drunkenness and being common drunkards; that of the persons so committed, nearly all were sentenced more than once, some as many as fifteen or twenty times, and giving an average of at least five sentences to each of these victims of intemperance; and that frequently but a few days would pass between the discharge and the return of the offenders. This showed conclusively that the imprisonment had a very slight tendency to produce the reformation of



those who were its subjects; and that, unless some other remedy were found, a man or woman once sentenced to imprisonment, for an offence of this kind, would, in all probability, continue to require and receive similar punishment indefinitely thereafter.

Such a state of things impressed so strongly the mind of Mr. John Augustus, a worthy citizen of Boston, that happening, in the winter of 1841-2, to be in court when a man was found guilty as a common drunkard, he determined to try the experiment whether something could not be done to save him from destruction. In his own words, "I stepped up to the man, and asked if he would sign the pledge if I would get his sentence put off for a fortnight, and stand his bail in order to give him a chance to try to do better. He agreed to do so, kept the pledge, and became a sober man. At the end of the fortnight, he was let off, upon payment of a small fine. I continued this practice, and the result is as follows:—From January 1st, 1842, to January 1st, 1846, I bailed three hundred persons brought up as common drunkards, male and female. Of this number, more than two hundred have done well. The balance might have been saved, if there had been a place for them to stop a few days, to recover from the effects of rum, and wait for employment. I do not know how many of them fell back, because I lost the track of them. I have heard that some are doing well in other places. I have also been bail in cases of simple drunkenness, and other petty offences, to the number of one hundred—making in all four hundred instances. The whole sum for which I have been bail is \$25,000, and have only suffered one forfeiture, which was for \$100. Of the 300 common drunkards whom I bailed, 275 were, after signing the pledge, and being under probation a week or two, discharged upon paying a fine of one cent and costs, about \$4, in each case—making in all \$1100 paid into the treasury of the county, or State. If they had been sent to the House of Correction, nothing would have been paid on their account, and the officers would have been paid fees for carrying them over."\*

\* NOTE.—The foregoing extract is from a letter addressed by Mr. Augustus to Mr. Thomas Gill, Recording Secretary of the Massachusetts Legislative Temperance Society, who appeared before the Committee on behalf of the petitioners.

Mr. Augustus adds, that but a small part of this \$1100 came finally from his own pocket. That he received some contributions, and that the friends of the parties sometimes raised the amount; but that, in three fourths of the cases, the parties themselves, after getting employment, repaid what he had advanced for them.

It was the success which attended this benevolent and persevering effort, which suggested the application made by the petitioners.

At the hearings, it was found that the views and wishes of the petitioners were not wholly identical, nor limited at all to what the petition itself had expressed. The petition itself prayed for the establishment of a *temporary home* for poor drunkards, either upon their discharge from the House of Correction, or when found houseless and friendless, not having been sentenced to confinement. Some of the petitioners wished to extend the plan to a large institution in the nature of a hospital, to which inebriates of all sorts might be sent for safety and reformation, somewhat analogous to the State institution for the insane. Others desired the State to furnish a house of refuge, in which might be accommodated temporarily the persons for whom Mr. Augustus should become bail, and to provide for their support until they could procure employment; and still another plan, and the one upon which the petitioners finally united as the most practicable and important, was, to do away the necessity for giving bail in such cases altogether, by providing for the appointment of an agent, who should be furnished with means to procure and support an asylum at the expense of the Commonwealth, and authorizing the courts, in their discretion, to commit to his charge persons convicted as common drunkards or for drunkenness, for the purpose of attempting their reformation.

Upon mature deliberation and reflection, however, your Committee were unable to find, in either of the plans presented, what seemed to them a proper basis for legislation on the part of the Commonwealth. To the worth and importance of the objects, which the petitioners are striving to promote, it can hardly be necessary for them to bear testimony. A roll was exhibited to the Committee, containing the names and places

of residence of the three hundred men and women who had been saved by the untiring and disinterested philanthropy of Mr. Augustus in the manner above described, with the date of the conviction, the time to which sentence was deferred, and the sum finally paid in each case; and it was impossible to look without emotion upon such a record of the unpretending but noble labors of a single man in the cause of humanity and virtue. Among the names of the benefactors of their race, few deserve a higher place than that of JOHN AUGUSTUS; and, in the day when God shall judge men "according to the deeds done in the body," when "they that turn many to righteousness shall shine as the stars forever and ever," that record will confer upon it an honor more enduring than attaches to many of the proudest achievements of statesmen or warriors.

But so many objections presented themselves to the minds of the Committee against any attempt, by the State, to participate in this scheme of benevolence, that they have come unanimously to the conclusion, that any legislation in conformity with the prayer of the petitioners, would be inexpedient. The whole subject is one, which, so far as it goes beyond the provision required by law of towns and cities for the relief of the poor and unfortunate, falls properly within the province of private charity. They have been gratified to learn that the magistrates have been disposed, to the extent of their powers, to encourage and promote the efforts of Mr. Augustus. In the belief that this encouragement will still be extended, and commending the objects of the petitioners to the enlightened liberality of the city of Boston, and to the munificence for which its citizens have always been distinguished in all humane and charitable enterprises, the Committee recommend that the petitioners have *leave to withdraw their petition.*

On behalf of the Committee,

E. ROCKWOOD HOAR, *Chairman.*

# SENATE.....No. 119.

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## Commonwealth of Massachusetts.

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TREASURY OFFICE, Boston, April 15th, 1846.

In compliance with an Order of the Honorable Senate of the 13th instant, the Treasurer herewith respectfully transmits the enclosed Statement relating to Notes received on account of Sales of Land, &c. in the State of Maine, remaining unpaid this 15th of April, 1846.

JOS. BARRETT, *Treasurer.*

HON. WM. B. CALHOUN, *President of the Senate.*

## SALES OF LANDS.

[April,

Date.	Promisors.	Residence.	Notes.	Each.	Amount.	When due.	Endorsement.	Interest paid to	Balance.
1833									
Aug. 14	Selden Huntington,	Haddam, Ct.	6	\$2500 00	\$15,000 00	Yearly to 1839	Feb. 24, 1835, \$994 20	-	\$14,005 71
Nov. 2	Richard Dibble,	Rochester, N. Y.	5	1605 00	8,025 00	1835 to 1839	June 10, 1837, 635 95 Nov. 18, 1842, 190 61 do 23, 1843, 1332 61	-	5,796 83 6,840 00
1834									
Nov. 7	Jas. T. Hobart,	Boston, -	6	1140 00	6,840 00	1835 to 1840	-	-	-
	Sam'l Cole, -	Augusta, Me.							
1835									
March 2	Daniel Hammond,	Boston, -	3	2843 00	8,529 00	1838, 1840	Mar. 12, 1842, 745 54	March 1, 1840,	7,783 46
do 13	Z. B. Adams,	do -	6	2175 00	13,050 00	1841	Aug. 20, 1844, 625 50 Sept. 3, 1845, 830 71	March 13, 1845,	*
do 14	Cyrus Moore,	do -	-	-	-	-	-	-	11,393 79
do 14	Richard H. Bartlett,	do -	6	736 00	4,410 00	1836 to 1841	-	-	4,416 00
June 10	James Irish, -	Gorham, Me.	3	1267 20	3,901 90	1837, 1838	Dec. 28, 1840, 110 44 Oct. 22, 1844, 266 78	-	3,424 68
	Milo L. Bennett, -	Manchester, Vt.							
	Charles H. Coffin, -	Salem,							
	Jefferson Sinclair, -	Orono,							
1840									
Aug. 1	Joseph Floyd,	New Market, -	4	1098 96	\$59,661 90	-	\$5801 43	-	\$53,860 47+
Nov. 17	N. G. Norcross,	Bangor, -	1	-	776 50	1844	-	Nov'r 17, 1843,	\$,438 04 776 50
1842									
Oct. 3	J. W. Veazie,	do -	3	2944 00	8,832 00	1846, 1847	-	October 3, 1843,	8,832 00
1843									
June 1	Samuel Smith,	do -	6	2981 00	17,886 00	1846	-	-	17,886 00
Aug. 15	Tho's F. Gould,	do -	4	1594 66	6,378 64	1844 to 1849	-	Sept'r 1, 1844,	6,378 64
do 1	Samuel Smith,	do -	3	2865 22	8,595 66	1844 to 1846	Feb. 4, 1845, 312 35 Apr. 12, do 649 44 July 16, do 993 39	August 1, 1845,	6,640 48

Aug. 1	Samuel Smith,	- Bangor,	-	3	\$221 06	\$2,463 18	1844 to 1846	July 16, 1845,	\$474 57	August 1, 1845,	\$1,988 61
Sept. 1	Benj. Dyer,	- Old Town,	-	5	920 00	4,600 00	1845 to 1849	Sept. 3, do	564 00	Sept'r 1, do	4,036 00
July 16	Benj. Dyer,	- do	-	3	1149 38	3,448 14	1846 to 1848	-	-	-	3,448 14
do	John Winn,	- Salem,	-	4	4218 06‡	16,872 26	1845 to 1848	July 16, 1845,	1200 78	July 16, 1845,	15,671 48
do	Francis Blackman,	- Eddington,	-	3	4225 80	12,677 40	1846 to 1848	-	-	July 16, 1845,	12,677 40
do	John Winn,	- Old Town,	-	3	2725 21	8,175 63	1846 to 1848	July 16, 1845,	980 58	July 16, 1845,	7,195 05
do	Shepard Boddy,	- Salem,	-	4	5001 05‡	20,004 22	1845 to 1848	do 16, do	1368 24	do 16, do	18,635 98
do	John Winn,	- do	-	4	3411 70	13,046 80	1845 to 1848	July 16, 1845,	2782 43	July 16, 1845,	10,864 37
do	do as above,	- do	-	3	3913 22	11,759 66	1846 to 1848	do 16, do	47 28	do 16, do	11,692 38
do	do do	- do	-	3	2529 54	7,588 62	do do do	do 16, do	1087 62	do 16, do	6,501 00
do	do do	- do	-	4	389 05	1,556 20	1845 to 1848	do 16, do	194 53	do 17, do	1,361 67†
Feb. 17	Goddard & Jenkins,	- Bangor,	-	3	1104 00	3,312 00	1845 to 1847	-	-	-	3,312 00
May 17	Samuel Smith,	- do	-	4	2120 00	8,480 00	1846 to 1849	Oct. 4, 1845,	1226 80	-	7,253 20
do	Dominicus Parker,	- do	-	5	2183 00	10,915 00	1845 to 1849	-	-	-	10,915 00
do	Cyrus S. Clark,	- do	-	5	2119 60	10,918 00	do do do	Aug. 9, 1845,	1723 94	May 17, 1845,	8,874 06
Aug. 10	do & Cyrus S. Clark,	- do	-	4	1367 64	5,470 56	1845 to 1848	July 16, do	844 63	-	4,625 93
Oct. 1	Samuel Smith,	- do	-	4	3299 70	13,198 80	do do do	-	-	-	13,198 80
do	do & F. Adams & Co.	- do	-	3	1068 65	3,215 95	1846 to 1848	-	-	-	3,215 95
Nov. 16	Samuel Smith,	- do	-	-	-	1,766 40	1849	Nov. 12, 1845,	297 45	Nov. 16, 1845,	1,468 95
Total for sales from 1837 to 1845,						\$206,643 02	-	-	\$15,705 39	-	\$190,937 63
ward sm't for " 1833 to 1837,						59,661 90	-	-	5,801 43	-	53,860 47
Brought forward						\$266,304 92	-	-	\$21,506 82	-	\$244,798 10
Add, for sales in 1845, for which notes were taken payable from 1846 to 1850, on which no payments have been made,											
						Balance of principal remaining unpaid, April 15, 1846,					
						\$59,511 18					
						\$304,309 28					

\* Only on the first note, interest paid.

† On account of sales prior to 1837.

‡ Interest paid on two notes only.

The notes in the foregoing schedule, received for sales of lands prior to April 15, 1837, amounting to \$53,860 47, were all due more than five years since, say March, 1841, and the interest on said notes, due and unpaid, amounts to not less than \$30,000.

Of the notes for sales since April 15, 1837, amounting to \$250,448 81, there is now over due \$26,660 56.

Amount of interest over due on \$250,448 81, about \$18,000.

In some cases, though not in many, notes have been paid before they became due.

In many instances, particularly as regards the notes prior to 1837, they have been given up by resolves of the Legislature, without payment.

The amount on which the name of Samuel Smith appears alone, is \$68,753 90; and with others, \$55,585 61; total, \$124,339 51.

In addition to the foregoing amount, there is one set of notes signed by Harvey Reed, of Weymouth, dated June 5, 1832, which do not come within the time specified, and are therefore not included. There are four notes, each for \$590—\$2,360.











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